THE

LICENSING ACT, 1904

WITH

A SUMMARY OF THE LAW

The Text of the Act with Explanatory Notes

THE LICENSING RULES, 1904

And Appendices containing the Chief Statutory Provisions relating to Grants and Transfers

BY

C. A. MONTAGUE BARLOW, LL.D., M.A.

BARRISTER-AT-LAW

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THE

LICENSING ACT, 1904

WITH AN

INTRODUCTION GIVING A SUMMARY OF THE LAW AS TO GRANTS AND TRANSFERS OF LICENCES

The Text of the Act with Explanatory Notes

THE LICENSING RULES, 1904

AND AN APPENDIX CONTAINING THE CHIEF STATUTORY PROVISIONS RELATING TO GRANTS AND TRANSFERS

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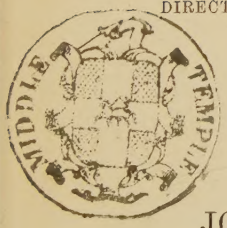

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AUTHORS.

PREFACE.

THE object of the present work is to give in convenient and practical form an account of the Law which will in future govern the Transfer and Renewal of Licences and the Grant of New Licences. A Summary of the Law prior to 1905 is given in the Introduction; and The Licensing Act, 1904, which effects a revolution in Licensing Law, is fully set out, with Notes. The Rules recently issued by the Home Secretary are explained on pp. 31 to 35, and these Rules and the Forms issued at the same time, together with the provisions of earlier Licensing Acts applicable, are printed at length in the Appendix.

The Authors have endeavoured to make the book of as much practical use as possible; and to deal with the difficulties with which those who have daily experience of Brewing and Licensing matters are confronted, as a result of the new Act. The chief practical difficulties are summarised on p. 35 of the Introduction, one of the greatest of these being that the Act contains no

power to terminate leases or mortgages, and high rents may continue to be exacted over long terms of years for licensed premises, though, by virtue of the Act, the licence has ceased to be renewed.

The best thanks of the Authors are due to Mr. G. D. Muggeridge for many practical and useful suggestions; and also to Mr. Harold Bidder for much help.

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March, 1905.

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LICENSING AUTHORITIES AS AFFECTED BY THE LICENSING ACT, 1904.

—	Counties.	County Boroughs.	Non-County Boroughs.	
			With Ten Acting Justices.	With less than Ten Acting Justices.
I. Grant of a New Licence.				
(*a*) On-licence	Grant made or refused by Justices of the district at General Annual Licensing Meeting (s. 1 of Alehouse Act, 1828).	Grant made or refused by Committee appointed under s. 38 of L. A., 1872, as modified by s. 5, s.s. 4, of L. A., 1904, *i.e.* not less than seven members.	Grant made or refused by Committee appointed under s. 38 of L. A., 1872, *i.e.* not less than three or more than seven members.	Grant made or refused by whole body of Justices (s. 38 of L. A., 1872).
(*b*) Off-licence ...	Ditto ditto. No appeal (s. 75 of L. A., 1872).	Ditto ditto. No appeal.	Ditto ditto. No appeal.	Ditto ditto. No appeal.
II. Confirmation of New Licences.				
(*a*) On-licences ...	Confirmed by Committee of Quarter Sessions appointed under s. 5, s.s. 2, of L. A., 1904; County Licensing Committees abolished, s. 4, s.s. i, and s. 5, s.s. 2, of L. A., 1904.	By whole body of Justices, s. 38 of L. A., 1872 (this includes the City of London, L. A., 1904, s. 8, s.s. 3).	By whole body of Justices, s. 38 of L. A., 1872.	By Joint Committee appointep under s. 38 of L. A., 1872.
(*b*) Off-licences ...	Ditto ditto, and see s. 19, s.s. 2, of L. A., 1902. No appeal.	Ditto ditto. No appeal.	Ditto ditto. No appeal.	Ditto ditto. No appeal.
III. Transfers.				
(*a*) Existing on-licence (as defined by L. A., 1904, *i.e.* existing prior to 15th August, 1904. Not for wine alone or sweets alone).	(i.) *Grants*— Transfers may be *granted* by Justices at Transfer Sessions (ss. 4 and 14 of Alehouse Act, 1828, and s. 9, s.s. 4, of L. A., 1904).	(i.) *Grants*— Transfers may be *granted* by the Borough Licensing Committee appointed under s. 38 of L. A., 1872, as modified by s. 5, s.s. 4, of L. A., 1904: see s. 9, s.s. (1), of same Act.	(i.) *Grants*— Transfers granted by Borough Justices at Transfer Sessions (ss. 4 and 14 of Alehouse Act, 1828).	
	(ii.) *Refusal*— (*a*) Transfers may be *refused* by Justices at Transfer Sessions on four Justices' grounds under s. 1, s.s. (ii), of L. A., 1904; L. A., 1904, s. 9, s.s. (i); and appeal to Quarter Sessions under Alehouse Act, 1828, s. 27.[1]	(ii.) *Refusal*— (*a*) Transfers may be *refused* by this Committee on four grounds open to Justices: *Semble*, appeal to Quarter Sessions under Alehouse Act, 1828, s. 27; but see notes to s. 8, s.s. 2, of L. A., 1904.[1]	(ii.) *Refusal*— (*a*) Transfers may be refused by Borough Justices at Transfer Sessions on the four Justices' grounds under s. 1, s.s. (i), and s. 9, s.s. (i), of L. A. 1904: Appeal to Quarter Sessions of the County under s. 27 of Alehouse Act.[1]	

	(*b*) Questions of refusal to transfer on other grounds are *referred* to Committee of Quarter Sessions appointed under s. 5, s.s. 2, of L. A., 1904: and see Rule 45. No appeal.	(*b*) Questions of refusal to transfer on other grounds referred to whole body of Justices for the borough (L. A., 1904, s. 1, s.s. 2, and s. 8, s.s. 2). No appeal.	(*b*) The question of refusal to transfer on other grounds is referred to Committee of Quarter Sessions for the County (s. 5, s.s. 2, and s. 8, s.s. 1, of L. A., 1904). No appeal.
(*b*) Existing licences other than existing on-licences (as defined by L. A., 1904)	Transfers granted by Justices at Transfer Sessions (ss. 4 and 14 of Alehouse Act, 1828). Appeal to Quarter Sessions (s. 27 of Alehouse Act, 1828).	Transfers granted by whole body of Justices in Transfer Sessions. Appeal to Quarter Sessions (ss. 4, 14, and 27 of Alehouse Act, 1828).[2]	As under Counties and County Boroughs.[2]
(*c*) New licences ..	Ditto ditto	As under Counties.	Ditto ditto.
	Leased licences under L. A., 1904, s. 4, s.s. 3, may be transferred for remainder of the term, and either at Transfer Sessions or at the General Annual Licensing Meeting.		
IV. Renewals.			
(*a*) Existing on-licences existing prior to 15th August, 1904, and as defined by L. A., 1904.	(i.) *Grant*— Justices grant renewal at General Annual Licensing Meeting.	(i.) *Grants*— Renewals may be granted by the Borough Licensing Committee appointed under s. 38 of L. A., 1872, as modified by s. 5, s.s. 4, of L. A., 1904.	(i.) *Grants*— By Justices at General Annual Licensing Meeting.
	(ii.) *Refusal*— (*a*) Justices may refuse renewal on four grounds open to Justices (L. A., 1904, s. 1, s.s. (i); Appeal to Quarter Sessions under Alehouse Act, 1828, s. 27.[1]	(ii.) *Refusal*— (*a*) Renewals may be *refused* by this Committee on four grounds open to Justices: *Semble*, appeal to Quarter Sessions under Alehouse Act, 1828, s. 27; but see notes to s. 8, s.s. 2, of L. A., 1904.[1]	(ii.) *Refusals*— (*a*) Renewals may be refused by Borough Justices at General Annual Licensing Meeting on four grounds open to Justices (L. A., 1904, s. 1, s.s. (i)). Appeal to Quarter Sessions under Alehouse Act, 1828, s. 27.[1]
	(*b*) Question of refusal on other grounds referred to Committee of Quarter Sessions appointed under s. 5, s.s. 4 of L. A., 1904. No appeal.	(*b*) Qustions of refusal to renew on other grounds referred to whole body of Justices for the borough (L. A., 1904, s. 1, s.s. 2, and s. 8, s.s. 2). No appeal.	(*b*) The question of refusal to renew on other grounds referred to Committee of Quarter Sessions of County. Boroughs may nominate one member thereon (L. A., 1904, s. 5, s.s. 2, and s. 5, s.s. 5).
(*b*) Existing licences other than existing on-licences (as defined by L. A., 1904).	By Justices in General Annual Licensing Sessions. Appeal to Quarter Sessions (Alehouse Act, 1828, s. 27).	Granted by Borough Licensing Committee under s. 38 of L. A., 1872, and s. 5, s.s. 4, of L. A., 1904. Appeal to Quarter Sessions under Alehouse Act, 1828, s. 27.	As under Counties.
(*c*) New Licences ...	Ditto ditto. Leased licences under L. A., 1904, s. 4, s.s. 3, require no renewal during the term.	Ditto ditto.	As under Counties.

[1] The four grounds open to Justices may be the four grounds under Section 1, s.s. 1, of The Licensing Act, 1904, or, in the case of *ante*-1869 beerhouses, the four grounds under Section 8 of The Wine and Beerhouse Act, 1869.

[2] Unless the Borough Licensing Committee consists of all the Justices, there may have to be a duplication of Transfer Sessions. Section 9, s.s. 1, only applies the jurisdiction of the Borough Licensing Committee referred to in Section 5, s.s. 4, to transfers of existing on-licences. Transfers of other licences must be made by the whole body of Justices as before the Act of 1904.

INTRODUCTION.

WITH a view alike of assisting the revenue and of preventing drunkenness, the sale of intoxicating liquors in this country is subject to Licence.

Licences are of two kinds:—

1. An Excise Licence.

2. A Licence from the Justices of the Peace.[1]

Generally speaking, *both* licences are always required for sales of intoxicants *retail*—the **Excise Licence** by 6 Geo. IV. c. 81, and other and later Excise Acts; the **Justices' Licence** by Sections 3 and 74 of The Licensing Act, 1872 (35 & 36 Vict. c. 94), though to this latter requirement there are certain exceptions: *e.g.*, the sale of spruce or black beer, which apparently does not require a Justices' licence (Licensing Act, 1872, Section 72), and sales in theatres and on packet boats &c. In some cases the production of the Justices' licence is a necessary preliminary to obtaining the Excise licence.

The Excise licences are of many different kinds (numbering altogether some twenty), including not only Retailers' but also Wholesale Dealers' licences for both wine and beer, and both for consumption on and off the premises. An Excise licence is also necessary for selling such things as sweets, metheglin,

[1] In the case of the Wine and Beerhouse Acts this licence is, in fact, called a "certificate" (see 32 & 33 Vict. c. 27, and 33 & 34 Vict. c. 29). The word "licence" will, however, be used throughout this book, as required by general usage.

and cider; and further, where a Justices' licence is a necessary preliminary (*e.g.* in pursuance of The Alehouse Act, 1828, Section 17) to the obtaining of an Excise licence, the Excise licence is, as a rule, void when and so soon as the Justices' licence is cancelled or forfeited.[1] Excise licences, however, need not detain us here.

The Licensing Act of 1904, which came into force on 1st January, 1905, deals with Justices' licences only, and it is necessary to describe their nature, and to outline the law and procedure relating to their grant, confirmation, and transfer as existing prior to 1905.

[1] 35 & 36 Vict. c. 94, Section 63; and see 37 & 38 Vict. c. 49, Section 15.

PART I.

LAW PRIOR TO 1905.

Section 1.—Justices' Licences.

There are some thirteen different kinds of Justices' licences relating to the *retail* sale of intoxicants, and they may be divided into two classes:—

(1) "On and Off" licences, allowing consumption both *on* and *off* the premises; and

(2) "Off" licences, allowing consumption only *off* the premises.

Of the five **"On and Off"** licences, the most important are—(*a*) What is usually known as the *"Publican's Licence"*; and (*b*) the *"Beerhouse Licence."*

Publican's Licence.

This is granted under The Alehouse Act, 1828 (9 Geo. IV. c. 61), and the holder is enabled thereby to apply for any or all of the Excise licences for the sale of intoxicants and spirits. By virtue of Section 45 of The Licensing Act, 1872, new licences are only now granted in respect of property of a certain value: *e.g.*, in London or in towns of not less than 100,000 inhabitants, the annual value must be £50 at least; in towns of not less than 10,000 inhabitants, the annual value must be at least £30;

and in smaller places £15.[1] Accommodation is required for the public to the extent of at least two rooms if, as is the case with the publican's licence, spirits can be sold; and the premises must be structurally adapted to the class of licence sought.

Beerhouse Licence.

This permits the sale and consumption of beer, ale, porter, cider, and perry, but not of spirits or wine. As in the case of the last licence, a value is now required for the premises which are to be licensed: viz.—£30, £20, and £12 respectively in the three cases set out above. These values are reduced still further to £15, £11, and £8 in the case of Beerhouses whose licences were in existence prior to The Licensing Act of 1872; but it is immaterial whether the licence has been continuously held since in order to entitle to the lower scale.[2]

In the case of premises licensed since 1872, the premises must be structurally adapted for a Beerhouse, and contain at least one room for the accommodation of the public (Licensing Act, 1872, Section 45). The Excise Regulations[3] require the premises to be a dwelling-house, and the holder of such a licence to be the real resident holder and occupier of the premises; the fact that the licence-holder is in fact the salaried employé of a brewery company will not necessarily prevent

[1] Under Section 47 of The Licensing Act, 1872, the Justices may order a valuation, and a method of arriving at the annual value is there laid down.

[2] *Igoe* v. *Shann*, [1903] A. C. 320. The House of Lords reversed the Court of Appeal, and held that a break in continuity of the licence was immaterial. In The Beerhouse Act, 1840 (3 & 4 Vict. c. 61), Section 1, the three classes of town or city are—(*a*) Those with 10,000 inhabitants; (*b*) Those with 2500 inhabitants; (*c*) Those below this limit.

[3] See The Beerhouse Act, 1840 (3 & 4 Vict. c. 61), Section 1 (Appendix, p. 144).

him validly occupying the premises.[1] There are exemptions now under The Licensing Act, 1902 (2 Edw. VII. c. 28, Section 22), from this requirement of residence and occupation: *e.g.*, in the case of Restaurants.

The three other forms of "On and Off" licence are the Cider and Perry Licence, the Refreshment-house Keeper's Wine Licence, and the Sweets Retail Licence.

2. **Off-licences.**—Of these there are several varieties: *e.g.*, The Spirit Dealer's Additional *Retail* Spirit Licence, granted to wholesale spirit dealers; or the Additional Foreign Liqueurs *Retail* Licence, granted also to wholesale spirit dealers. Similarly, sellers of beer wholesale may secure a Beer Dealer's Additional *Retail* Licence. Shopkeepers may have a retail licence to sell wine, and there are off-licences for the sale of table beer, cider, and sweets.

The *Off-Beerhouse Licence* was first granted by Justices in pursuance of Section 4 of The Wine and Beerhouse Act, 1869. Here, again, an annual value of £15, £11, or £8 (according to population) is required,[2] and, as in the case of "On and Off" Beerhouse Licences, the premises must be a dwelling-house, and the licence holder must be both resident holder and occupier (Beerhouse Act, 1840, Section 1).

Section 2.—Discretion of Justices as to Granting Licences.

It has been firmly established that the Justices have the fullest discretion as to granting new licences, whether those are "On and Off" licences or Off-licences simply; this

[1] See *R.* v. *Manchester Justices*, [1899] 1 Q. B. 571; *Nix* v. *Nottingham Justices*, [1899] 2 Q. B. 294.

[2] The limits of population are for London and towns with 10,000 inhabitants, £15; towns between 2,500 and 10,000 inhabitants, £11; and elsewhere, £8. The exemption of restaurants and eating-houses, under The Licensing Act, 1902, Section 22, will also apply to these "off" licences.

principle was clearly laid down in the judgment of the House of Lords in the well-known case of *Sharp* v. *Wakefield*.[1] But the discretion must be properly exercised. In the often quoted words of Lord Halsbury, "It is to be not arbitrary, vague, and fanciful, but legal and regular. And it must be exercised within the limit to which an honest man competent to the discharge of his office ought to confine himself."

With regard to "Off" licences, apart from beer licences under The Beer Dealer's Act, 1880, the Justices' discretion was limited to four statutory grounds, under Section 8 of The Wine and Beerhouse Act, 1869 (32 & 33 Vict. c. 27). (For Section see Appendix.)

Section 10, s.s. 2, of The Licensing Act, 1902, however, now secures to the Justices "free and unqualified discretion" for all *new* Off-licences. (For Section see Appendix.)

Under Section 4 of The Licensing Act, 1904 (4 Edw. VII. c. 23), the power of the Justices is still further extended. They may attach conditions to the grant of new licences "as they think proper in the interests of the public," provided that, subject to "proper provision for suitable premises and good management," the *monopoly value* of the licensed premises is in future to be secured to the public.

Section 3.—**Licensing Sessions.**

As already stated, a licence or certificate from Justices is necessary, as well as an Excise licence, in every case (subject to some few exceptions) for the sale of all kinds of intoxicants when sold *retail*. This licence of the Justices lasts for one year only. New licences are granted, and renewals also, at the **General Annual Licensing Meeting.**

[1] [1891] A. C. 173.

Under Section 1 of The Alehouse Act, 1828, this used to be held in the first ten days of March, for Middlesex and Surrey; in other places at some date between the 20th of August and the 14th of September. Now the date is fixed by Section 14 of The Licensing Act, 1902 (see Appendix), uniformly for all England, and the Meeting must take place within the first fourteen days of February in each year.

The jurisdiction of the Justices with regard to licensing is entirely statutory, and they can therefore only act within the limits laid down by Statute. Section 1 of The Alehouse Act, 1828, provides for the holding annually of "a Special Session of the Justices of the Peace (to be called the General Annual Licensing Meeting) for the purpose of granting licences to persons keeping or being about to keep inns, alehouses, and victualling-houses,[1] to sell exciseable liquors by retail."

By this Section the whole of England is required to be divided into Licensing Divisions or Districts, in each of which these Annual Sessions, known as "Brewster Sessions," take place.[2]

The jurisdiction of the Justices was extended from "inns, alehouses, and victualling-houses" by subsequent legislation to beerhouses, refreshment-houses, and shops — *e.g.*, by The Refreshment Houses Act of 1860, and The Wine and Beerhouse Act of 1869. Such premises consequently all need the grant of a Justices' licence or certificate, and its renewal at Brewster Sessions annually.

Procedure at the General Annual Licensing Meeting.— Section 2 of The Alehouse Act, 1828, provides that in every

[1] By Section 37 of the Act "inn, alehouse, or victualling-house" means any house where exciseable liquor is sold retail to be consumed on the premises.

[2] See the recent case of *R.* v. *Warwickshire Justices*, [1899] 1 Q. B. 59 as to the nature of a Licensing Division.

Division the Justices in Petty Sessions, held at least twenty-one days before the General Annual Licensing Meeting, shall fix the date of the latter. This is done by precept directed originally to the High Constable of the Division, and now to the Clerks to the Justices, who transmit the notices to the proper parties.

Section 3 of the same Act requires adjournments of the General Annual Licensing Meeting to be made, and the first adjournment is to be held not less than five days after the General Annual Licensing Meeting.[1]

Disqualifications.—Justices are in certain cases disqualified from sitting by Statute: *e.g.*, under Section 60 of The Licensing Act, 1872, no Justice is to act "Who is or is in partnership with or holds any share in any company which is a common brewer, distiller, maker of malt for sale, or retailer of malt, or of any intoxicating liquor in the Licensing District."[2] Disqualifications may also exist at common law; for instance, in the recent case of *R.* v. *Sunderland Justices* ([1901] 2 K. B. 357), where an elaborate agreement, dependent on the granting of a new licence, was made by a brewery company with the corporation, it was held that the fact that of seven of the Licensing Bench five were members of the corporation was sufficient to vitiate the grant, which was quashed by the Court of Appeal on *certiorari*. Bias, in other words, may take other forms besides direct pecuniary interest, and when bias, or the likelihood of bias, is shown, it will constitute a disqualification.

[1] Every adjournment is to be held within one month of the original meeting (Licensing Act, 1902, Section 14, s.s. 1).

[2] The words of the Section (a portion only of which is given above) are so wide that they would include a shareholder in a railway company which retails intoxicating liquor at its refreshment bars. This case is now provided for by Section 12 of The Licensing Act, 1902 (see Appendix).

Brewster Sessions are not a Court.—This is laid down clearly in the case of *R.* v. *Sunderland Justices* just mentioned (at p. 369). Consequently the Justices are not bound by the ordinary forms of legal procedure, and do not necessarily hear evidence on oath.[1] They may even act on their own knowledge. They deliver no judgment, and have no jurisdiction as to costs, apart from the case of confirmation. (See Licensing Act, 1872, Section 43.)

But though the Justices' discretion is wide and vague, it is to be exercised reasonably (see Lord Halsbury's judgment in *Sharp* v. *Wakefield*, cited on p. 6); and Justices must not lay down general rules beforehand, so as to fetter the free exercise of their discretion in each case as it arises. (See Lord Hannen's judgment in *Sharp* v. *Wakefield*, [1891] A. C., at p. 189.)

Borough Licensing Committee.—Under The Alehouse Act, 1828, no distinction was made, with regard to the authority applied to, between the original grant and the renewal of a licence, both kinds of applications coming before the Annual General Licensing Meeting.

Section 38 of The Licensing Act, 1872, however, provided that a division should be made between Boroughs having ten or more Justices, within fourteen days of the earliest date for the General Annual Licensing Meeting, and those with less. In the former class of Borough a Committee was by that Section required to be appointed—the Committee granting the licence, the whole body of Justices confirming it. In the

[1] In the case of renewals, however, they do take evidence on oath (Licensing Act, 1872, Section 42), and in the case of proceedings before a Confirming Authority under Section 43 of The Licensing Act, 1872, the matter is "in the nature of a litigation between the parties"; see generally *R.* v. *Sunderland Justices*, [1901] 2 K. B. 357, and *Boulter* v. *Kent Justices*, [1897] A. C. 556.

Boroughs with less than ten Justices all the qualified Justices continued to act when new licences were granted, the confirming authority being the Joint Committee appointed under Section 38 of The Licensing Act, 1872 (see Appendix, p. 155). As to confirmation of licences generally see p. 12.

The County Licensing Committees are now abolished by The Licensing Act, 1904 (Section 5, s.s. 2), and a Committee appointed by Quarter Sessions is substituted for the County Licensing Committee.

Illegal Conditions.—Formerly it was held in more than one case that Justices might not attach conditions—*e.g.*, of money payment—to the grant of a licence (see *R.* v. *Bowman*, [1898] 1 Q. B. 663); but Section 4, s.s. 2, of the new Act alters this state of the law, and expressly allows conditions to be made (see p. 68), and the Justices are even obliged to attach such conditions as they think best adapted to secure for the public the monopoly value of the licensed premises.

Notices.—Section 40 of The Licensing Act, 1872 (incorporating Section 7 of The Wine and Beerhouse Act, 1869), read in conjunction with Section 18 of The Licensing Act, 1902, give the statutory requirements for notices for new licences, all of which requirements must be strictly complied with. There are, in effect, *four* notices required: (*a*) Twenty-one days before the application notice in writing of the applicant's intention must be given to the *Overseers* and Superintendent of Police. The notice must also set out the applicant's name and address and a description of the premises; (*b*) Within twenty-eight days before such application a like notice is to be fixed from 10 a.m. to 5 p.m. on the *premises* during two Sundays, and also on the *church* or *chapel* of the parish or place where the premises

are situate, or on some other public and conspicuous place; (*c*) By Section 18 of The Licensing Act, 1902, a similar notice must also be sent to the *Clerk to the Licensing Justices* twenty-one days at least before the date of the General Annual Licensing Meeting; lastly (*d*) The applicant must advertise in a newspaper circulating in the place on some day not more than four and not less than two weeks before the proposed application, and on such day or days as the Justices may fix. Notices may be sent and served by post as well as personally, and in proving service by post it is sufficient to prove that the notice was prepaid and properly addressed (Section 70 of The Licensing Act, 1872).

Besides the notices, a *plan* of the premises is required under Section 11 of The Licensing Act, 1902, in the case of "On" licences.

Section 14, Sub-section 6, of The Licensing Act, 1902, gives a general power to postpone the hearing of an application where the preliminary formalities have not been complied with.[1] The applicant must attend in person unless prevented by "sickness or infirmity or any other reasonable cause," when the Justices have a discretion to make the grant in the applicant's absence (Alehouse Act, 1828, Section 12).

Evidence is usually given as to the applicant's character[2] and the need of the neighbourhood for the new licensed premises.

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[1] See Section 11 of The Wine and Beerhouse Act, 1870, where the power to postpone was given in the case of applications under the Wine and Beerhouse Acts. In *R.* v. *Groom* ([1901] 2 K. B. 157) it was held that this power of postponement did not extend to The Alehouse Act, 1828. Section 14, s.s. 6, of The Licensing Act, 1902, now extends Section 11 of The Wine and Beerhouse Act, 1870, to all cases.

[2] Under Section 9 of The Licensing Act, 1902, the Licensing Justices are to have regard, on the application for a grant of a new licence, to any previous convictions against a holder of licensed premises, which convictions must be entered in the Register of Licences.

Any person—even a trade rival—is held entitled to oppose the grant of the licence. No question of *locus standi* arises, and no notice need be given of intention to oppose.

Section 4.—**Confirmations.**

A new licence, when granted, requires subsequent confirmation[1] before it becomes operative.

Prior to the coming into force of The Licensing Act, 1904, there were three different kinds of Confirming Authorities, as follows:—

1. For Counties, the **County Licensing Committee.** This consisted of from three to twelve members, appointed annually by Quarter Sessions, who made rules for the Committee's procedure (see Section 37 of The Licensing Act, 1872, Appendix, p. 154). Under the new Act the power of the County Licensing Committee to confirm new licences is transferred to Quarter Sessions or its Committee (Licensing Act, 1904, Section 4, s.s. 1).

2. In Boroughs with **ten acting Justices** the licences were granted by a Committee,[2] and the whole body of Justices for the Borough were the Confirming Authority. They made rules for procedure on such confirmation, including rules as to costs.[3]

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[1] Confirmation was required by Sections 37 and 38 of The Licensing Act, 1872, for "on" licences; and by Section 19 of The Licensing Act, 1902, for all grants of new licences (see Appendix).

[2] See p. 155.

[3] Licensing Act, 1872, Sections 38 and 43; and Section 21 of The Licensing Act, 1874. See Licensing Act, 1904, Section 5, s.s. 4, for modification of Section 38 of the Act of 1872 in cases of *renewals*.

3. In Boroughs with **less than ten acting Justices** the whole Bench, as in the case of the Counties, *granted* the licence, but the licence was *confirmed* by a joint Committee of six, three appointed by the County Licensing Committee and three by the Borough Justices. The joint Committee made its own rules as to procedure, costs, &c.[1] As to the effect of The Licensing Act, 1904, on the Confirming Authorities see p. 30.

Procedure at Confirmation.—Fresh evidence may be heard, but only those persons who originally opposed will be allowed to oppose before the Confirming Authority. Section 43 of The Licensing Act, 1872, gives a special power to the Confirming Authority to award costs, which, as stated on p. 9, the General Annual Licensing Meeting has not got. Consequently the confirming Justices are a Court; not only will *mandamus* lie to them, but their proceedings may be quashed by *certiorari* (*R.* v. *Manchester Justices*, [1899] 1 Q. B. 571).

Though all licences must be *confirmed*, there is now no appeal from the original refusal to grant a licence. Such appeal did originally exist to Quarter Sessions under Section 27 of The Alehouse Act, 1828;[2] but that Section was for this purpose repealed by Section 75 of The Licensing Act, 1872.

Section 5.—Renewals.

In the case of an application for a new licence the burden of proof that the licence is required is on the applicant; but in the case of renewals the burden of proof is the other

[1] The Licensing Act, 1872, Section 43.

[2] See also The Wine and Beerhouse Act, 1867, Section 8.

way. The presumption is in favour of renewal. Consequently no notice is required by the applicant of intention to renew, but notice is required of intention to oppose a renewal. Section 42 of The Licensing Act, 1872, provides that, in case of applications for renewals by any "licensed person" [1]—

1. The applicant need not attend in person unless required by the Justices.

2. There must be seven days' written notice of intention to oppose the licence,[2] but the Justices may adjourn the meeting if objection is taken without proper notice having been given, and the objections will then be heard at the adjournment.

3. No evidence is to be received save on oath.

Apart from objections in proper form, the renewal will be granted.

Subject to the requirement of a valid objection, the discretion of the Justices to refuse a renewal is, in the majority of cases, absolute in the same way as their discretion to refuse the original grant is (*Sharp* v. *Wakefield*, [1891] C. A. 173, at p. 178). Moreover, subject to the requirement of an adjournment as mentioned above, the Justices themselves may raise the objection at the meeting, and may make a preliminary investigation (*R.* v. *Farnham Justices*, [1902] 2 K. B. 363). The Justices are not a Court, and may rely on their local knowledge in a way which would be improper in the case of Judges in a Court of Law.

[1] This will include not only applications by the person to whom the licence was granted at the last General Annual Licensing Meeting, but also any new tenant who has obtained a tranfer of the licence during the year.

[2] The Justices may adjourn the meeting so that proper notice may be given.

Limited discretion.—Though the discretion to refuse renewals was—generally speaking—absolute (subject to the rules as to notice and evidence being complied with), it was, in fact, limited in certain special cases.

By Section 8 of The Wine and Beerhouse Act, 1869, the Justices' discretion was limited—in the case of *A* one "On" licence, and *B* five "Off" licences—to four grounds, a fifth ground being added in the case of the five "Off" licences by Section 10, s.s. 4, of The Licensing Act, 1902.

A. Beerhouses with an "On" licence, under The Wine and Beerhouse Act, 1869.[1]

B. (1) An "Off" Perry and Cider licence.

(2) The "Off" Wine licence under The Refreshment-houses Act, 1860.

(3) A Foreign Liqueurs Retail licence.

(4) The "Off" Sweets licence under Section 74 of The Licensing Act, 1872.

(5) The Additional Retail Liqueurs and Spirit licence under The Revenue (No. 1) Act, 1861.

In the case of *A*, Beerhouses with an "on" licence, the licence of the premises must have been continuous and without interruption since 1st May, 1869,[2] and the premises must not have been so altered as to lose their identity; but the holder of the licence might change, without the premises losing this

[1] Licences for the "On" sale of Cider or Wine under the Acts recited in The Wine and Beerhouse Act, 1869, are in the same position.

[2] *Freer* v. *Murray*, [1894] A. C. 576, where the old licence expired on 10th October, and the application for renewal did not come on till 17th November; the Justices were therefore held not restricted to the four grounds under Section 8 of The Wine and Beerhouse Act, 1869. See also *Tower Justices* v. *Chambers*, [1904] 2 K. B. 903.

privilege. This special privilege of these ante-1869 Beerhouses is now taken away by The Licensing Act, 1904, Section 9, s.s. 3. Justices at the General Annual Licensing Meeting can still only refuse such a licence on one of the four grounds set out in Section 8 of The Wine and Beerhouse Act, 1869, (see p. 145); but the Compensation Authority can, on a report from the Justices, now refuse to renew on any ground of policy, subject to payment of compensation under the Act (Licensing Act, 1904, Section 1).

The five "off" licences above enumerated, provided they are anterior to 1902, enjoy a similar privilege: viz.—that the Justices' discretion is limited; but in addition to the four grounds under Section 8 of The Wine and Beerhouse Act, 1869, an additional ground, viz., misconduct (especially surreptitious selling), is now given by Section 10, s.s. 4, of The Licensing Act, 1902. It is to be noted that in order to enjoy this privilege the "off" licences in question must have been in force on the 25th June, 1902,[1] and that the restriction only now applies in favour of the person who held the licence on that date.

The four grounds under Section 8 of The Wine and Beerhouse Act, 1869, are, shortly—

(1) Failure to produce satisfactory evidence of character.

(2) That the premises or adjacent premises owned by the applicant are disorderly or frequented by bad characters.

(3) That the applicant has previously had his licence taken away for misconduct.

(4) That the applicant or the house is not duly qualified according to law.

[1] See The Licensing Act, 1902, Section 10, s.ss. 2 and 4.

The additional ground under Section 10, s.s. 4, of The Licensing Act, 1902, in the case of the five "off" licences is *misconduct*; either—

(*a*) Surreptitious selling under the licence; or

(*b*) Assisting in concealing or misrepresenting the nature of the goods sold; or

(*c*) Misconduct generally in the management of the business.

The Licensing Act, 1904, does not deal with the renewals of these "off" licences, and no compensation is payable in the case of such a refusal to renew. The Justices' power, therefore, to refuse to renew such off-licences remains confined to the five grounds above set out, save in the case of new licences.

Section 6.—**Transfers.**

Special Sessions.

Section 4 of The Alehouse Act, 1828,[1] requires the Justices at the General Annual Licensing Meeting to appoint "not less than four nor more than eight Special Sessions" for the year ensuing, "at periods, as near as may be, equally distant."

The object of these Special Sessions is to "license persons intending to keep Inns[2] heretofore kept by other persons being about to remove from such Inns"—that is, to allow the transfer of licences from one holder to another; and the Special Sessions are therefore known as "Transfer Sessions." Considerable difficulty arises under the above Section 4,

[1] See Section 4 and Section 14 set out at length in the Appendix.

[2] The jurisdiction was extended from "Inns" to other licences by Section 4, s.s. 5, of The Wine and Beerhouse Act, 1870; and see Sections 69 and 74 of The Licensing Act, 1872.

which provides that "it shall be lawful for the Justices . . . . to license such persons . . . . as they the said Justices shall in the execution of powers herein contained and in the exercise of their discretion deem fit and proper persons, *under the provisions hereinafter enacted* . . . ."

Subsequent provisions are contained in Section 14, dealing with cases such as death, illness, bankruptcy, &c., where an actual vacancy has taken place.

The words "under the provisions hereinafter enacted," and other similar words in the Section, seem to restrict the operation of Section 4 to the cases mentioned in Section 14. On the other hand, the words "in execution of the powers herein contained" seem to confer a jurisdiction wider than that of Section 14, so as to allow a licence, in cases of removal, before the vacancy has actually occurred, though Section 14 apparently only contemplates cases of transfer after a vacancy. It is the better view that Section 4 confers the wider jurisdiction. In any case, and even though Section 4 may go beyond Section 14, yet the latter Section is always to be read with the former.[1]

There are seven cases mentioned under Section 14, five relating to the holder of the licence and two to the premises—(1) Death; (2) Incapacity through sickness; (3) Bankruptcy; (4) Removal from or yielding up possession of the licensed premises by the licensed holder, or his heirs, executors, administrators, or assigns; (5) Wilful omission by the occupier when about to remove to apply for renewal of the licence. The two cases applicable to the premises are—(6) When the house is about to be pulled down for any public purpose; (7) When it is rendered unfit by reason of "fire, tempest, or unavoidable calamity."

[1] *R.* v. *West Riding Justices*, [1898] 1 Q. B. 503; *per* Matthews, J., at p. 509.

In such cases the Justices in Special Sessions may make a grant of the licence in case (1) to the heirs or personal representatives of the deceased; in case (2) to the assigns; in case (3) to the assignee in bankruptcy; in case (4), and also apparently in case (5),[1] to any new tenant or occupier, or to the person to whom the heirs, executors, administrators, or assigns may have conveyed their interest in the premises; and in cases (6) and (7) may grant the licence to the person whose house has been pulled down or become unfit, provided he shall open some other "fit and convenient house."

It is to be noticed that in the last two cases, if the house was a privileged beerhouse, the special privilege on transfer of the licence to new premises would be lost in consequence of the transfer, and the Justices had, even prior to The Licensing Act, 1904, unfettered discretion to refuse the application, and were not confined to Section 8 of The Wine and Beerhouse Act, 1869.[2]

Procedure on Transfers.—Fourteen days' notice of the application to transfer is now required to be given to one of the Overseers and to the Superintendent of Police.[3] No notice of opposition is required, and the Justices have full discretion as to refusing to transfer the licence. But in the case, as already pointed out, of the *ante*-1869 beerhouses, the Justices had, even before the coming into operation of the Act of 1904, an unfettered discretion as to transfers, so far as the two last cases under Section 14 are concerned (see above). Generally speaking, there is no limit of time

[1] The words are not at all applicable to case (5), but are apparently meant to cover it. *Semble* a "*new tenant*" may apply for renewal in other cases than (4) or (5): *e.g.* in case (1). (*Davies* v. *Evans*, (1898) 62 J. P. 120).

[2] *Traynor* v. *Jones*, [1894] 1 Q. B. 83.

[3] See Section 16, s.s. 3, of The Licensing Act, 1902, which requires the notice under Section 40, s.s. 2, of The Licensing Act, 1872, to be given in all cases of transfer under Section 4 and Section 14 of The Alehouse Act, 1828.

within which the application must be made,[1] and the application to transfer may even be made after the original licence has expired.[2]

In accordance with Section 16, s.s. 1, of The Licensing Act, 1902 (p. 181), the person holding the licence and the person who it is proposed shall become the holder must attend the Special Sessions on the application for transfer, and the agreement under which the transfer takes place must be produced; and under the same Section the Justices may adjourn the hearing, and may make regulations to prevent repeated applications.[3]

Section 7.—**Appeals.**

Section 27 of The Alehouse Act, 1828,[4] gives to any person who thinks himself aggrieved by any act of any Justice done in or concerning the execution of that Act a right of appeal to the next General or Quarter Sessions of the Peace holden for the County.

"Person aggrieved" under this Section has been held to include an unsuccessful applicant, and the owner of the premises with regard to which the application was made; but not an unsuccessful opponent of a grant of a licence, as he was not *directly* aggrieved.[5]

The jurisdiction under Section 27 was extended by Section 8 of The Wine and Beerhouse Act, 1869, to certificates under that Act; but the appellate jurisdiction, as already noticed, was taken away in the case of refusal to grant a new licence by Section 75 of The Licensing Act, 1872. Consequently appeals now lie in cases of refusal to renew licences

[1] But see special cases under Section 15 of The Licensing Act, 1874, where the application must be to the next Special Sessions.

[2] *Baldwin* v. *Dover Justices*, [1892] 2 Q. B. 421, where the licence had expired five months.

[3] As to questions arising with regard to the presence of the old tenant on transfers under the new Act see p. 83.

[4] See Section at length in Appendix.

[5] *R.* v. *Middlesex Justices*, (1832) 3 B. & Ad. 938.

of all kinds, and of refusal to transfer them under Sections 4 and 14 of The Alehouse Act, 1828; but there is no appeal in the case of refusal to grant a new licence.

The appeal is to "Quarter Sessions for the county or place." Under the provisions of the Municipal Corporations Act,[1] which prohibit a Recorder from granting, by virtue of his office, a licence to sell liquor, it has been held that no appeal lies to the Recorder as holding Quarter Sessions in the Boroughs, the reason of the difference being that the Recorder sits as a Judge of Law and not of expediency (*R.* v. *Recorder of Bristol*, (1854) 4 E. & B. 265).

Appeal lies to the *next* Quarter Sessions, provided fourteen clear days elapse between the appellant's notice and the hearing of the appeal.[2]

If the next Court of Quarter Sessions is held before the fourteen days has elapsed the appeal goes over to next Sessions. The appellant has five days from the original decision within which to give the notice that he intends to appeal, and the notice must be served on all the Justices who heard the case; but an opponent is not entitled to any notice. On appeal the case is gone into on its merits,[3] and fresh evidence is admissible. Though new evidence is allowed in answer to original objections, no new objections can be heard. The Justices are respondents to the appeal, and in cases of refusal to *renew*, the onus is on them to justify their refusal.[4] In the case of transfer, however, the rule as to onus appears to be different.

Though Quarter Sessions have, unlike the General Annual Licensing Meeting, power, under Section 27 of The Alehouse

[1] 5 & 6 Will. IV. c. 76, Section 105; 45 & 46 Vict. c. 50, Section 165. But see *R.* v. *Recorder of Bath*, [1904] 2 K. B. 570.

[2] Quarter Sessions Act, 1849, 12 & 13 Vict. c. 45, Section 1.

[3] *Whiffen* v. *Malling Justices*, [1892] 1 Q. B. 362; *Ex parte Gorman*, [1894] A. C. 23.

[4] *Evans* v. *Conway Justices*, [1900] 2 Q. B. 224.

Act, 1828, to award costs, it has been held in a recent case that they cannot order the respondent Justices to pay costs to an appellant who succeeds on appeal.[1] If the appeal is dismissed, Section 29 requires Quarter Sessions to condemn the appellant in costs and indemnify the Justices for costs incurred by them. If the appeal succeeds the Court *may*, under Section 29, order the Justices' costs to be paid by the Treasurer of the County. Here also, the amount to be paid is treated as an indemnity.[2]

Section 20 of The Licensing Act, 1902, now extends the liability of the Treasurer of the County, and gives a *right* to the respondent Justices to be indemnified by him in all costs "which cannot be recovered from any other person."

Power is also given by the same Section to award the costs at subsequent Sessions, and to tax in or out of Sessions.

Mandamus will lie both to the Licensing Justices at the General Annual Licensing Meeting, and to Quarter Sessions, where they have improperly refused jurisdiction or decided a case on some ground or by some procedure not legally admissible. For instance, *mandamus* lies if the Justices refuse to state, as by law they are required to do, when acting under Section 8 of The Wine and Beerhouse Act, 1869, on which of the four grounds allowed by that Section they were proceeding.[3]

Mandamus will lie to compel the Justices to exercise their discretion within the proper limits or in the proper way; but the inferior Court will not interfere with that discretion itself, or direct how it is to be exercised.[4]

In any case the granting or withholding of the remedy by *mandamus* is purely discretionary, and the writ cannot be

[1] *R.* v. *Staffordshire Justices*, [1898] 2. Q. B. 231.
[2] *R.* v. *Winder*, [1900] 2 Q. B. 666.
[3] *R.* v. *Thomas*, [1892] 1 Q. B. 426.
[4] *R.* v. *Farquhar*, (1874) L. R. 9 Q. B. 258.

demanded from the High Court as of right. It will usually not be granted where any other remedy—*e.g.* by appeal—is available.[1]

Certiorari.—The writ of *certiorari* differs from the remedy by *mandamus* in that, by means of the former, the record is removed to the higher Court, and the jurisdiction of the inferior Court is superseded.

It is quite clear that *certiorari* will lie to Quarter Sessions, acting on a licensing appeal, for, as already stated, Quarter Sessions sit in such case as a legal Court.[2]

But some doubt exists whether *certiorari* will lie to the Justices in General Annual Licensing Meeting, for they are not a Court. In many older cases *certiorari* was undoubtedly granted to the Justices, and in some cases even in recent years[3] this has been done. In three very recent cases, however, the Court of King's Bench has refused to allow *certiorari* to issue to the Licensing Justices in consequence of the decision of the House of Lords in *Boulter* v. *Kent Justices* ([1897] A. C. 556) that the Annual Licensing Meeting is not a Court at all, the principle of the decisions being that a writ of *certiorari* will only lie to a *Court*.[4] But Judges in the Court of Appeal have stated more than once that when the point comes up before the Court of Appeal they may possibly decide that *certiorari* will lie to the Licensing Justices, even though they do not constitute a Court.[5]

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[1] See, however, such cases as *R.* v. *Hughes*, [1893] 2 Q. B. 530.

[2] *R.* v. *Staffordshire Justices*, [1898] 2 Q. B. 231.

[3] See, for instance, *R.* v. *Fraser*, (1893) 57 J. P. 500; *R.* v. *Hain*, (1896) 12 T. L. R. 323.

[4] *R.* v. *Sharman*, [1898] 1 Q. B. 578; *R.* v. *Cotham*, [1898] 1 Q. B. 802; *R.* v. *Bowman*, [1898] 1 Q. B. 663.

[5] See Vaughan Williams, L.J., in *R.* v. *Nicholson*, [1899] 2 Q. B., at p. 455; and the same learned Judge in *R.* v. *Sunderland Justices*, [1901] 2 K. B., at p. 370.

PART II.

SUMMARY OF THE LICENSING ACT, 1904.

(4 Edward VII. Chapter 23.)

This Act, which came into force on the 1st January, 1905, is entitled "An Act to amend the Licensing Acts in respect to the Extinction of Licences and the Grant of New Licences."

The chief matters dealt with by the Act are as follows:—

1. Provisions as to Compensation in cases of non-renewal of existing on-licences (Sections 1 to 3).
2. Provisions as to new licences (Section 4).
3. Provisions as to machinery, committees, rules, &c. (Sections 5 to 10).

Section 1.—Provisions as to Renewal of Existing On-Licences.

Up till 1905, and apart from the *ante*-1869 Beerhouses, the Justices in Licensing Sessions have had full discretion in all cases as to whether they should renew on-licences or not,[1] though this discretion had to be exercised fairly and not arbitrarily. The Licensing Act, 1904, effects a division of the grounds of refusal to renew such existing on-licences—four of these grounds being still within the jurisdiction of the Licensing Justices, the rest being transferred to the jurisdiction of Quarter Sessions.

[1] See *Sharp* v. *Wakefield*, [1891] A. C. 173, and p. 14.

The four grounds retained by the Licensing Justices, and to which they are restricted, are, shortly—

(*a*) That the licensed premises have been ill-conducted.

(*b*) That they are structurally deficient or structurally unsuitable.

(*c*) That the character of the proposed licensee is not satisfactory.

(*d*) That the renewal would be legally void.

As to all other grounds of refusal, including, of course, grounds of policy, the Justices must *report* to Quarter Sessions, and the latter alone can act; but licences can only be withdrawn if compensation is paid in accordance with the Act. The measure of that compensation is, roughly, to be the difference between the value of the premises with and without the licence.

Quarter Sessions will thus act in two capacities in the future with regard to the renewal of existing on-licences:—

(*a*) They will act as a Court of Appeal in the ordinary way, so far as the four grounds reserved for the Justices by Section 1 are concerned.

(*b*) With regard to all other grounds of refusal to renew, Quarter Sessions, acting through their Committee (Section 5, s.s. 2), will be in the same position as the Licensing Justices formerly were, save that the former can, under the Act of 1904, only act on a report from the latter. As the Committee of Quarter Sessions are placed to this extent in the same position as the Justices were, presumably the Quarter Sessions Committee can, *e.g.*, have preliminary

reports made, and act on their own initiative in raising objections;[1] presumably also they will be an administrative body for this purpose, and not a Court.[2]

The Compensation Fund is provided by the Trade itself, an *ad valorem* contribution being imposed in accordance with the provisions of Schedule I.; and Section 3 provides for the creation of a Compensation Fund in each Quarter Sessions area. Deductions in accordance with Schedule II. may be made from the rent, in spite of any agreement to the contrary. Besides the *ad valorem* payments, the Compensation Fund may receive contributions from voluntary sources (Section 3, s.s. 4), and Quarter Sessions may also borrow with consent of the Secretary of State by mortgaging the Compensation Fund. As to the conditions of the Secretary of State's consent see Home Office Rules 65 to 71, Appendix, p. 108.

Ante-1869 Beerhouses.—As already stated, the Licensing Justices had not formerly unfettered discretion with regard to renewals of these licences, their discretion being limited to the four cases under Section 8 of The Wine and Beerhouse Act, 1869.[3] Now these beerhouses are put in practically the same position as other licensed premises—that is to say, Quarter Sessions will have the same discretion to refuse to renew *ante*-1869 beerhouse licences as they have to refuse any other on-licences under The Licensing Act, 1904 (see Section 9, s.s. 3), but compensation must, of course, be

[1] See *R.* v. *Farnham Justices*, [1902] 2 K. B. 754, and p. 5.

[2] *Boulter* v. *Kent Justices*, [1897] A. C. 556; and see *Hansard*, vol. cxxxix., pp. 1172-7, where the Lord Chancellor so explained his view of the provisions of The Licensing Act, 1904.

[3] See p. 15 and Appendix.

paid; and in the case of *ante*-1869 beerhouses the compensation will be higher, as the security of tenure prior to 1905 was greater. For the four grounds open to Justices set out in Section 1 of The Licensing Act, 1904, there must be substituted in the case of these *ante*-1869 beerhouses the four old grounds under Section 8 of the 1869 Act.

Section 2.—Provisions as to New Licences.

As already stated (see p. 10), prior to The Licensing Act, 1904, it was illegal to attach conditions—*e.g.*, that a money payment should be made—to the grant of a licence.[1] Under Section 4 of The Licensing Act, 1904, the Justices can now do this freely, provided they act in the "interests of the public," and also that they "have regard to the proper provision for suitable premises and good management," and that they secure to the public the "*monopoly value*" of the premises, *i.e.*, the difference between the value of the premises with and without the licence.[2] The Justices may grant a permanent licence, or, in effect, lease of the licence, for a period up to seven years.

Free scope is thus given for the Justices in each local area to try experiments.

Public House Trusts.—The Public House Trust movement, which commenced in this country in 1901, has for its object, to rent or, if necessary, acquire public houses by means of subscribed capital, and, after paying a reasonable interest on the capital so subscribed, to devote the profit on the sale of liquor entirely to public and philanthropic purposes.

[1] See cases collected in notes to Section 4, p. 68.

[2] For suggestions as to how this monopoly value may be calculated see an article by the Earl of Lytton, *National Review*, January, 1905.

Fifty-four Trust Companies have now been formed, under the Companies Acts or the Industrial and Provident Societies Act, coterminous with a large number of counties in England, Scotland, and Ireland; and in November, 1904, one hundred and forty-eight licensed premises were under Trust management.

The new Act offers opportunities in several directions which may tend to a considerable development of the movement throughout the country:—

(*a*) The provisions of Section 2, as to the Compensation Fund, allow that Fund to be maintained not only by the charges levied on premises under the Act, but also by "charges received by Quarter Sessions from any other source." Opportunity may thus be given, as was suggested in debate on the Bill,[1] for the Trust Companies to make payments to the Compensation Fund, and for Justices, if they please, to make arrangements which practically amount to handing over the licence to a Trust Company on the latter paying the whole or some portion of the compensation money due to the persons interested in respect of that particular or any other licence.

(*b*) With regard to the grant of new licences, the Trust Companies should be able to offer guarantees of good management above the average; while, at the same time, the whole system on which they are managed offers to a Bench of Justices machinery, already tested and at work, for ascertaining what is "monopoly value" under Section 4, without the Justices being compelled to adopt one of several more or less laborious expedients. Such would be

[1] See *Hansard*, vol. cxxxvii., pp. 227, 1380, &c.

either to take large premiums or payments on account by way of guarantee, and as the result of elaborate calculations, or even, in effect, to put the licence up to auction, though this is a course which was deprecated in the debates on the Bill. After allowing for outgoings, depreciation, and interest on capital at the limited rate, usually five per cent., a Trust Company is bound now *ex hypothesi* to devote surplus profit (which is, in effect, owing to the limited rate of interest, more than what the Act calls "monopoly value") to public purposes, and could therefore undertake to hand this surplus over to Quarter Sessions, subject to proper checks, and to allowing inspection of its books at regular intervals. All discretion, however, in the matter rests with the Licensing Justices in each area, and it will, of course, depend on them in each case whether experiments are made with a view to promoting this form of management.

Section 3.—Provisions dealing with Machinery, Rules, &c. (Sections 5 to 10.)

The County Licensing Committee set up by Section 37 of The Licensing Act, 1872,[1] is now abolished,[2] and a new Committee of Quarter Sessions takes its place. To this Committee Quarter Sessions *may* delegate all their powers under the 1904 Act, and, save in County Boroughs, *must* delegate their power of confirming new licences, and of determining questions as to refusal to renew licences under that Act.[2] Quarter Sessions may divide their district into

[1] See p. 12. [2] Section 5, s.s. 2.

areas; but the word "County" is to be read as meaning divisions of a County, where such a division—*e.g.*, a Riding in Yorkshire—has a separate Commission of the Peace and a separate Court of Quarter Sessions (Section 9, s.s. 4); and Quarter Sessions may make Rules for their own procedure.[1] The Quarter Sessions areas of the Counties are to include the Non-county Boroughs.[2] The new Committee appointed under Section 5, s.s. 2, of The Licensing Act, 1904, will act with regard to confirmation just as the old County Licensing Committee did. As already stated, there is no appeal allowed in the case of a new licence, either against a grant or against a refusal. If granted, formerly the County Licensing Committee, and now in Counties the Committee under Section 5, s.s. 4, must confirm it.

County Boroughs.—County Boroughs—including for this purpose the City of London[3]—are largely affected by The Licensing Act, 1904. Formerly appeals with regard to transfers and renewals were taken from Borough Justices to Quarter Sessions for the County (see p. 21). This will still be so probably for all Boroughs to this extent, that if the appeal be on one of the four grounds set out in Section 1 of the Act it will lie to Quarter Sessions of the County; but for the consideration of refusals to renew or transfer on other grounds County Boroughs are now put in the position of a County, and the whole body of Licensing Justices for the County Borough take the place of Quarter Sessions for the County.[4] It is apparently meant that the elevation of the County Borough to the level of the County is only to be for the purposes of The Licensing Act, 1904, *e.g.*, for the consideration of renewals under Section 1, s.s. 2.

[1] Section 5, s.s. 3.
[2] Section 8, s.s. 3.
[3] Section 8, s.s. 1.
[4] Section 8, s.s. 2.

For the purpose of renewals, the Licensing Committee in County Boroughs is now to be a Committee with a minimum of seven members, and such maximum as the whole body of Justices for the Borough may determine—*i.e.*, the whole body might determine to place all their number on the Committee.[1] This Committee will, in the County Boroughs, have the right to refuse to renew licences on the four grounds set out in Section 1, s.s. 1. For the purpose of refusal to renew on any other ground, they will report to the whole body of Justices for the Borough, *i.e.*, to themselves, if all form the Committee.[2] The result is a curious confusion of Authorities for the different purposes of licensing law. A list of these various Authorities is given in tabular form (pp. x and xi). It will be noticed that where the Compensation Authority (including in County Boroughs all the Justices) decides to grant or refuse renewals on grounds of policy under Section 1, s.s. 2, there is no appeal at all.

Rules.—Both Quarter Sessions and also the Secretary of State have power to make Rules under the Act.[3] The Home Secretary has issued full Rules in compliance with the provisions of Section 6, and they are printed *in extenso* in the Appendix (see p. 93).

Rule 4 contains important provisions as to notices under the Act. Save where a person is entitled to compensation, any notice required to be sent to the licensee or registered owner may, apart from any special address given, be sent by post to the licensed premises. In the case of persons

[1] Section 5, s.s. 4, modifying Section 38 of The Licensing Act, 1872.

[2] Section 8, s.s. 2. In Non-county Boroughs the report of the Licensing Justices will be to a Committee of Quarter Sessions of the County appointed under Section 5, s.s. 2.

[3] See Section 5, s.s. 3, and Section 6.

entitled to compensation, the notice may be sent to the registered address, or, if none, to what the Clerk "believes to be the address."

Rules 9 to 26 deal with the Meetings of the Compensation Authority.[1] A Preliminary Meeting for the consideration of reports is to take place each year (Rule 9) before the 30th April. Then comes, if necessary, the "Principal Meeting," which is to decide on the reports, and as to the refusal or otherwise of the renewal of the licences reported on (Rule 14). The licensee and registered owner of the premises, and any other person who satisfies the Clerk of the Compensation Authority that he is interested, may have a copy of the portion of the Renewal Authority's Report or, if necessary, of the whole (Rule 16). Proceedings at the Principal Meeting are open to the public (Rule 19). If a renewal is refused, the fact is notified, and any person, other than the licensee or registered owner, may make a claim within twenty-one days for compensation. If a claim is sent in the Compensation Authority is to hold a Supplemental Meeting.

Under Rules 21 and 22 the licensee and the registered holder need not send in any express claim for compensation. All other persons interested must send in written claims, the validity of which will be adjudicated on at a "Supplemental Meeting" (Rule 23).

When the amount of the compensation money is agreed on (as allowed by Section 2, s.s. 2, of the Act) the Compensation Authority, if they approve this amount, will settle the division of shares at another Supplemental Meeting (Rule 27). When

[1] The term "Compensation Authority" does not occur in the Act, and first appears in the Rules. It is a compendious phrase for the Committee of Quarter Sessions under Section 5, s.s. 2; and for the whole body of Justices in a County Borough under Section 8, s.s. 2.

the amount is not so agreed, the Compensation Authority will at a similar Meeting (either before or after learning the amount divisible from the Commissioners of Inland Revenue) fix the apportionment of shares (Rule 30).

The money is to be paid in from two to six weeks by an order on the Compensation Fund, according to a form given in the Schedule (Rules 34 and 35). Generally, at such Meetings of the Compensation Authority, evidence may be heard on oath; but there is no express provision giving audience to solicitors or counsel (Rule 37).

Rules 41 to 43 relate to provisional renewals pending the decision of the Compensation Authority on the report to them of the Licensing Justices as to renewal.[1] Where the Licensing Justices refer the matter to the Compensation Authority, the former are bound to grant provisional renewal pending the decision of the Compensation Authority (Rule 41). If the Compensation Authority decide to refuse to renew, then the provisional licence lapses, as from the seventh day after the date fixed under the Rules for the payment of the compensation money (Rule 42).

Where compensation is payable, but delay occurs in payment, a further provisional renewal may be granted (Rule 43). By Section 9, s.s. 1, of the Act the provisions as to renewal of existing on-licences are to apply to transfers, and Rule 44 provides for the grant of a provisional licence when the Licensing Justices refer to the Compensation Authority the question of a transfer.

The report in this case will not be considered till the close of the next General Annual Licensing Meeting (Rule 45). The delay in consequence may be considerable. For instance,

[1] Curiously enough, the Rules say nothing as to what is to happen in a case of misconduct by the tenant during such provisional renewal.

if a house is purchased in June, and application made for transfer at once, the Justices at Special Sessions may refuse to transfer on one of the four grounds of Section 1, s.s. 1, or they may refer to the Compensation Authority the question of renewal. In the latter case the report will not be considered till the following March.[1] The result will be considerable uncertainty and delay.

Rules 46 and 47 deal with the confirmation of new on-licences. If the Confirming Authority desire to vary any conditions imposed by Licensing Justices under Section 4, s.s. 6, of the Act, they are to give notice to the Licensing Justices, who shall at once meet and decide as to the proposed variations. But the licence with such variations will still require confirmation.

The Clerk of the Peace is to be *ex-officio* Clerk to any Committee appointed by Quarter Sessions in a County; and in a County Borough the Clerk to the Licensing Justices shall be *ex-officio* Clerk to any Committee of those Justices appointed under the Act (Rule 48, Sub-Rule 1). The Compensation Authority must appoint a Treasurer, and may, with the consent of the Secretary of State, appoint other officers (Rule 49).

Committees appointed by Quarter Sessions under Section 5 of the Act are to be Standing Committees (Rule 53). Documents, generally speaking, are to be sufficiently authenticated if purporting to be signed by the Clerk to the body who is acting (Rule 54).

As to the Compensation Fund full provisions are contained in Rules 55 to 61. When the Compensation Authority decide to impose any charge under Section 3 of the Act, they shall give public notice of their decision and of the rate of charge.

[1] The Meeting is now held in the first fortnight of February (Licensing Act, 1902, Section 14); and adjournments are to be held within one month (Section 14, s.s. 1).

Payments out of the Compensation Fund can only be made by two members of the Compensation Authority, countersigned by the Treasurer or Clerk (Rule 59).

Proper accounts are to be kept by the Compensation Authority (Rule 61); and a professional accountant, approved by the Secretary of State, must be appointed as auditor (Rule 62).

The Compensation Authority are authorised under Section 3, s.s. 5, of the Act to borrow money. Such loans are to be by way of mortgage of the Compensation Fund (Rule 67), and arrangements are to be made for repayment of principal as well as for payment of interest (Rule 68). Where a Compensation Authority makes default for a period of one month in paying an amount of not less than Fifty Pounds a Receiver may be appointed (Rule 71).

Quarter Sessions Rules. — In addition to the above, Section 5, s.s. 3, of the Act gives power to Quarter Sessions (including in that term the whole body of Justices in a County Borough) to make Rules for the appointment of Committees—*e.g.*, as to their duration of office; and as to the procedure of such Committees—*e.g.*, whether barristers and solicitors are to have the right of *audience*.

Off-Licences.—The provisions of Sections 1 to 3 of The Licensing Act, 1904, as to renewal and compensation, do not apply to off-licences; nor do the provisions of Section 9, s.s. 1, as to transfers.

Practical Difficulties.—The Act effects a great revolution in Licensing Law and administration. It is, therefore, almost inevitable that practical difficulties should suggest themselves as likely to arise under it: these are partly due to want of clearness in the Act itself, partly to the fact that the necessary machinery for working the Act does not at present exist and has to be created.

To take some of these difficulties :—

(i) It is not clear from Section 1, s.s. 2, of the Act whether the preliminary decision of the Licensing Justices to refer renewals is, like any other "administrative question" in Licensing Law, capable of appeal to Quarter Sessions.[1] Reasons are given in the notes to Section 1, s.s. 2 (see p. 48), for doubting if it is so appealable. Section 10 of The Licensing Act, 1904, incorporates The Alehouse Act, 1828, though not in express terms the appeal section of it.[2]

(ii) Very considerable administrative difficulties will arise in determining what is the value of premises under Section 2, with and without the licence, for the licence is to be treated as subject to the old conditions of renewal as in force before 1904, not those which the Act brings into operation; consequently, say in 1915, the Inland Revenue Authorities will, in the case of premises whose licence it is then proposed should not be renewed, have to estimate what the legal conditions of the renewal of that licence were eleven years previously—a very difficult matter. Reasons are given in the notes to Section 2 for thinking the new conditions may in fact work out so as to make the value of a licence under the new circumstances very much the same as under the old ones.

(iii) Even assuming the difference in the value under the changed conditions of renewal not to be great, and

[1] *R.* v. *Recorder of Bath*, [1904] 2 K. B. 570.

[2] See *R.* v. *West Riding Justices*, (1883) 11 Q. B. D. 417.

to be ascertained in practice without serious difficulty, the problem of assessing the value of the premises, either with or without the licence, remains—a problem which often has to be considered for rating purposes, and involves usually the question how far past profits[1] are to be taken into calculation. Suggestions as to the applicability of the principles decided in the rating cases are made in the notes to Section 2, s.s. 1 (p. 52).

(iv) No power is given under the Act, in cases where the renewal of an on-licence is refused, to terminate leases or mortgages. These may have long terms of years to run, and contain covenants for the payment of high rent or rates of interest binding the tenant or the mortgagor for thirty or forty years after the licence has, under the Act, been taken away; and, as explained in the notes to Section 2, Sub-section 1, considerable hardship will probably result, especially to *mesne* landlords, who, in practice, are very often the large brewers. A short Act may become necessary giving to the Compensation Authority a discretionary power to determine leases and mortgages with long terms to run where the licence is not renewed.

(v) Section 9, s.s. 1, of the Act makes all the provisions as to *renewal* of the earlier Sections 1 to 3 apply to the *transfer* of an existing on-licence; this requirement is hard to construe. Transfers are granted under Sections 4 or 14 of The Alehouse Act, 1828 (see p. 138), and continue in force till April 5th, when the renewal granted at the usual February

[1] *Cartwright* v. *Sculcoates Union*, [1900] A. C. 150.

meeting will begin to run. If the Justices do not refuse the transfer of an existing on-licence on one of the four grounds open to the Justices under Section 1, s.s. 1, but report to the Compensation Authority, the latter, if they refuse the transfer, must award compensation; but a new tenant going into occupation would, all the same, be entitled to apply for renewal at the General Annual Licensing Meeting, when the compensation proceedings would have to be repeated. To prevent this difficulty Rule 44 provides that the transfer shall not be settled till the close of the next General Annual Licensing Meeting. A great delay, as already noticed, will result.

Lastly, the Act contains no express provision forbidding what, prior to 1904, was a not uncommon practice; the Justices often insisted on the surrender of one or more licences in consideration of the grant of a new licence. From fear of the consequences such surrenders were usually made by the owner or licensee. As the Act is meant to provide compensation in every case where the renewal of the licence is, in fact, refused, such indirect means of compelling voluntary surrenders are clearly contrary to the Act. This is being generally recognised, but it appears likely that such "surrenders" may still be resorted to in consideration for enlargements under Section 11, s.s. 2, of The Licensing Act, 1902; or in respect of the grant of new "off" licences.[1]

[1] See Report of Essex Quarter Sessions, *Times*, 9th January, 1905. It may be possible that by means of the provisions of Section 50 of The Licensing Act, 1872, the same result may be obtained by "removals" as formerly by "surrenders" (see p. 82).

THE LICENSING ACT, 1904.

(4 Edward VII. Chapter 23.)

ARRANGEMENT OF SECTIONS.

Section

1. Reference to Quarter Sessions of Questions as to Renewal of Licences in certain cases.
2. Payment of Compensation on Non-renewal of Licence.
3. Financial Provisions.
4. Provisions as to New Licences.
5. Division of Area and Appointment of Committees for purposes of Act.
6. Rules.
7. Returns to Secretary of State.
8. Authorities and Areas.
9. Application of Act to Special Cases, and Interpretation.
10. Short Title, Construction, and Commencement.

Schedules.

THE LICENSING ACT, 1904.

(4 Edward VII. Chapter 23.)

An Act to amend The Licensing Acts, 1828 to 1902, in respect to the Extinction of Licences and the Grant of New Licences. [15th August, 1904.

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Sec. 1, s.s. 1.

Reference to quarter sessions of questions as to renewal of licences in certain cases.

1. (1) The power to refuse the renewal of an existing on-licence, on any ground other than the ground that the licensed premises have been ill-conducted or are structurally deficient or structurally unsuitable, or grounds connected with the character or fitness of the proposed holder of the licence, or the ground that the renewal would be void, shall be vested in quarter sessions instead of the justices of the licensing district, but shall only be exercised on a reference from those justices, and on payment of compensation in accordance with this Act.

In every case of the refusal of the renewal of an existing on-licence by the justices of a licensing district, they shall specify in writing to the applicant the grounds of their refusal.

"**Renewal.**"—In virtue of Section 9, s.s. 1, the provisions of this Act as to renewals are to apply to transfers (see notes to Section 9).

"**Existing on-licence.**"—Section 9, s.s. 4 (p. 87), defines "on-licence" to mean—"A licence for the sale of any

intoxicating liquor (other than wine alone or sweets alone) for consumption on the premises." The same sub-section defines "existing on-licence" as—"An on-licence in force at the date of the passing of this Act [15th August, 1904], and includes a licence granted by way of renewal from time to time of a licence so in force, whether such licence continues to be held by the same person or has been or may be transferred to any other person or persons." A proviso is added that if a provisional grant has been made prior to 15th August, 1904, under Section 22 of The Licensing Act, 1874, and is subsequently declared to be final, that shall be deemed to be an existing on-licence.

It will be noted (i) That neither "off-licences" nor licences for wine alone or sweets alone are included in this Act for purposes of compensation. The holders of such licences do not contribute to the scheme, and the Justices' discretion to refuse such licences is not limited. (ii) That the sub-section only deals with *existing* on-licences: that is, the Justices can exercise the fullest discretion as to the grant of new on-licences and transfers and renewals of such new licences, and can refuse to grant such new licences at pleasure or grant them only on terms (see Section 4, s.ss. 2 and 3, p. 67). (iii) The *ante*-1869 beerhouses are included, these all having on-licences. Quarter Sessions will now have free discretion to refuse to renew these *ante*-1869 on-beer licences, but subject to payment of compensation under this Act, as in the case of any other on-licence (see Section 9, s.s. 3, p. 87). The discretion of Quarter Sessions will not be limited in such cases, as that of the Justices was under Section 19 of The Wine and Beerhouse Act, 1869 (32 & 33 Vict. c. 27); *cf.* Section 10, s.s. 4, of The Licensing Act, 1902, as to off-licences. See these provisions set out at length in the Appendix.

"Licensed premises."—These words are defined by Section 74 of The Licensing Act, 1872, to mean "premises in respect of which a licence as defined by this Act has been granted and is in force."

"Ground other than."—As already noticed, the Act makes for the first time, with regard to the refusal of existing licences, a *division of the grounds of refusal.*

A.—Grounds open to Justices.—These are now, save in the case of the *ante*-1869 beerhouses, restricted to the four following: viz.—

1. Licensed premises "ill conducted."

   Section 9, s.s. 2, gives two special instances under this head:—

   (*a*) Refusal to supply refreshment other than liquor.

   (*b*) Failure to fulfil any reasonable undertaking given to Justices.

2. Premises "structurally deficient or structurally unsuitable."

3. "Grounds connected with the character or fitness of the proposed holder of the licence."

4. "The ground that the renewal would be void."

In the case of the *ante*-1869 beerhouses the grounds open to the Justices are the four given in Section 8 of the 1869 Act, and not the four above mentioned (Section 9, s.s. 3, p. 87).

Appeal will lie in such cases to Quarter Sessions.

B.—Grounds open to Quarter Sessions.—All grounds of refusal other than the above, including all grounds of policy.

The four grounds of refusal still open to the Justices are capable of some legal definition—

1. **"Ill Conducted."**—For example—on the ground that the house is kept as a disorderly house or a gaming house (compare Section 8, s.s. 2, of The Wine and Beerhouse Act, 1869 (Appendix, p. 145); or on the ground of persistent and unreasonable refusal to supply suitable refreshments

under Section 9, ss. 2, p. 85). As to how far convictions against other occupants of the premises are evidence that the premises are themselves disorderly, the present tenant being of good character, see *R. v. Miskin Higher Justices*, [1893] 1 Q. B. 275.

2. **"Structurally deficient or structurally unsuitable."**—Section 45 of The Licensing Act, 1872 (35 & 36 Vict. c. 94), gives power to the Justices to require, with regard to new licences granted after that Act came into force, that they shall be "structurally adapted to the class of licence for which a certificate is sought," and Section 11, s.s. 4, of The Licensing Act, 1902 (2 Edw. VII. c. 28), provides that on applications for renewal of on-licences the Justices may require to see a plan, and may direct such alterations as they think "reasonably necessary to secure the proper conduct of the business in that part of the premises where intoxicating liquor is sold" (see Appendix, p. 179).

It has been held that this section gives power to direct alterations to be made to the *means of access* to the premises as well as to the premises themselves (*Bushell* v. *Hammond*, [1904] 2 K. B. 563).

Everything turns on the word *"structurally"*: that is, the defect or want of suitability must be one affecting the structure proper: *e.g.*, rooms too small, or premises out of repair, or drains out of order—not mere dirtiness or neglect of paint or paper (*cf. Fulham Vestry* v. *Solomon*, [1896] 1 Q. B. 198). Compare the same sort of distinction in the case of ecclesiastical dilapidations, where the outgoing rector is responsible for structural and not for ornamental repairs (see judgment in *Wise* v. *Metcalfe*, (1829) 10 B. & C. 299). For the effect of the ordinary repairing covenant in a lease see *Proudfoot* v. *Hart* ((1890) 25 Q. B. D. 42).

3. **"Character or fitness of the proposed holder of the licence."**—A previous conviction is material in considering the proposed holder's character, and even one such conviction

may be sufficient to disqualify, though this is not to be taken as a universal rule (*R.* v. *Lancaster Justices*, (1891), 55 J. P. 580, *per* the Master of the Rolls).

4. **"Ground that the renewal would be void."**—Grounds of disqualification are numerous, and may relate either (i) to persons, or (ii) to premises.

(i) Certain *persons* are disqualified: *e.g.*, a sheriff's officer (Alehouse Act, 1828, Section 16). So any person convicted of felony is disqualified from selling spirits by retail (Wine and Beerhouse Act, 1870, 33 & 34 Vict. c. 29, Section 14), and this will affect a licence even in the hands of an innocent third person (*Vine* v. *Leeds Justices*, (1875) L. R. 10 Q. B. 195).

(ii) As to the *premises*.—Under The Licensing Act, 1872, Sections 44 and 45, provision is made for a property qualification for certain premises, and for refusal of the licence if this does not exist (see p. 158).[1]

"Quarter Sessions."—See definition in Section 9, s.s. 4 (p. 87). As to County Boroughs see Section 8 (p. 80). In Counties and Boroughs Quarter Sessions will act through a Committee appointed under Section 5, s.s. 2; in County Boroughs the whole body of Justices will act (Section 8, s.s. 2).

"Licensing District."—This term is defined by Section 74 of The Licensing Act, 1872, to mean—"The area for which a General Annual Licensing Meeting is held in pursuance of The Intoxicating Liquor Licensing Act, 1828."

"Specify in writing."—For a similar provision see Section 8 of The Wine and Beerhouse Act, 1869 (Appendix, p. 145), which enacts that where an application for a certificate under that Act is refused on the ground that the house in respect of which the applicant applies is not duly qualified as by law is required, "*the Justices shall specify in writing to*

[1] See, however, *Igoe* v. *Shann*, [1903] A. C. 320.

the applicant the grounds of their decision." But under that section the applicant must ask for a written copy of the minute or resolution of refusal if he wants it (*R.* v. *Cumberland Justices,* (1881) 8 Q. B. D. 369), and this decision would apply to the above section. A *mandamus* will lie to compel the Justices to state their grounds of refusal if they decline to do so (see *R.* v. *Lancaster Justices,* (1891) 55 J. P. 580; and see *ex parte Gorman,* [1894] App. Cas. 23).

Apart from the *ante*-1869 beerhouses, the Justices, prior to 1905, need have given no reason for their refusal to renew a licence; and Benches of Justices have in the past laid down in effect somewhat arbitrary private rules: some have always refused licences to a married woman; others to a tenant who already holds a licence, or to a brewer himself, or to a non-resident tenant, or to one who has not a year's tenancy. Absolute rules to fetter discretion should not be laid down (see *Wood* v. *Widnes Corporation,* [1898] 1 Q. B. 463); and these general rules have not, in fact, usually been formulated publicly, though it is known they will be followed in fact. Under Section 8 of The Wine and Beerhouse Act of 1869, where "grounds" have to be stated, though not, save in the last case, in writing, it appears to be sufficient if the particular "ground" is indicated by the Justices, and not to be necessary to give the facts on which they bring the case within the particular "ground" (*Tranter* v. *Lancashire Justices,* (1887) 51 J. P. 454). So, for example, it would in the above section apparently be sufficient if they stated in writing that the premises were "ill-conducted," or that they had refused the renewal on "grounds connected with the character of the proposed holder"; and if the Bench happened to be one that had made a private rule against married women as above, they would be able by these general words to enforce their private rule. Appeal will, of course, lie to Quarter Sessions on the facts; and as to whether these justify the Justices in finding the particular "ground" proved see *R.* v. *Lancaster Justices,* (1891) 55 J. P. 580.

Sec. 1, s.s. 2.

Reference to quarter sessions of questions as to renewal of licences in certain cases.

(2) Where the justices of a licensing district on the consideration by them, in accordance with The Licensing Acts, 1828 to 1902, of applications for the renewal of licences are of opinion that the question of the renewal of any particular existing on-licences requires consideration on grounds other than those on which the renewal of an existing on-licence can be refused by them, they shall refer the matter to quarter sessions, together with their report thereon, and quarter sessions shall consider all reports so made to them, and may, if they think it expedient, after giving the persons interested in the licensed premises, and, unless it appears to quarter sessions unnecessary, any other persons appearing to them to be interested in the question of the renewal of the licence of those premises (including the justices of the licensing district), an opportunity of being heard, and, subject to the payment of compensation under this Act, refuse the renewal of any licence to which any such report relates.

"**Licensing Acts.**"—By Section 10 (p. 90) "This Act may be cited as The Licensing Act, 1904, and may be cited *and shall be construed as one* with The Licensing Acts, 1828 to 1902." The effect of this is to import into the working of the present Act so much of the existing machinery as is necessary to make it work effectively.

For the purposes of refusal to renew on *grounds open to Quarter Sessions* and not open to Justices (see notes to s.s. 1, p. 43), *i.e.*, in cases where compensation is payable under this Act, a *report* must be made by the Justices, and they will refer the matter to Quarter Sessions, or what the Rules call "the Compensation Authority," but after "consideration by them" and "in accordance with the Licensing Acts." The procedure before the Justices for raising objections to the renewal of a licence on Quarter Sessions' grounds is therefore the same as for raising objections on the Justices' grounds; *e.g.*, there must be a written notice served

on the holder of the licence seven days before the commencement of the General Annual Licensing Meeting. Evidence will be taken on oath, and such cases as *Raven* v. *Southampton Justices* ([1904] 1 K. B. 430, Lord Alverstone, L.C.J., and Lawrence, J.—Kennedy, J., *dissentiente*) will apply. In that case it was held that a map of the district showing that there were too many houses in the district was not by itself sufficient evidence against any one particular house.

"Are of opinion."—It appears doubtful whether the preliminary decision of the Justices that "the question of the renewal of any particular existing on-licences requires consideration" is itself subject to appeal to Quarter Sessions under Section 27 of The Alehouse Act, 1828 (9 Geo. IV. c. 61). That section only relates to appeals where the complainant is aggrieved by any "act done in execution of this Act." It is true the earlier Act is incorporated with the present Act by Section 10 (p. 90); but from the case of *R.* v. *West Riding Justices* ((1883) 11 Q. B. D. 417), it would seem more natural to have had an express incorporation of the appeal section 27; and see Section 11, s.s. 4, of The Licensing Act, 1902, where the right of appeal under the earlier Act is also expressly given. On the other hand, Section 10 (p. 90) will certainly be held to give the right of appeal under the Act of 1828, in the four cases open to the Justices in Section 1, s.s. 1. It seems difficult to say that the appeal lies for cases under Section 1, s.s. 1, and not for the report under Section 1, s.s. 2. If the appeal section of the Act of 1828 is applicable, the fact that the Justices have only made a "report" and not an "order" appears to make no difference. Appeals lie generally on "administrative questions" in Licensing Law (*R.* v. *Recorder of Bath*, [1904] 2 K. B. 570). Section 52 of The Licensing Act, 1872, is not applicable. If there were such an appeal it would be to Quarter Sessions as constituted before the Act, and not to the body now set up—*e.g.*, under Section 5, s.s. 2 (p. 76).

Even if there be no appeal a writ of *mandamus* is available if any question of erroneous law or excess of jurisdiction arises. The appeal, if it exists, being statutory, the general rule of law will not apply, viz. that where an inferior tribunal has to form an opinion or exercise a discretion, no appeal to a superior tribunal is possible; and that, apart from fraud or excess of jurisdiction, the decision cannot be reviewed by any other tribunal (see *Buccleuch* v. *Metropolitan Board of Works*, (1871) L. R. 5 H. L. 418). In any case this "opinion" must presumably be formed in a reasonable and not in an arbitrary way; and is generally in the same position as the discretion of the Justices before this Act (see Lord Halsbury, in *Sharp* v. *Wakefield*, [1891] H. L. 173).

"All reports so made."—The Compensation Authority can only consider the advisability of reducing licences in areas where the Justices so advise. The Act assumes that the Justices will act more or less uniformly over the whole Quarter Sessions area. If the Justices report against renewal they must renew the licence provisionally, pending the decision of the Compensation Authority (Rule 41, p. 103).

"Quarter Sessions," for the purposes of this Act (or what the Rules call the "Compensation Authority"), are in effect a Committee of Quarter Sessions for Counties and Boroughs; and the whole body of Justices in County Boroughs (see Section 5, s.s. 2, and Section 8, s.s. 2). The powers of Quarter Sessions may be delegated to a Committee, and must be so delegated in a County so far as confirming grants of new licences and refusal to renew licences under the 1904 Act are concerned.

It is to be assumed that Quarter Sessions will be placed, for the purpose of considering and refusing renewals under this sub-section, in the position that Justices formerly were (see the Lord Chancellor's words, *Hansard*, vol. cxxxix.,

pp. 1172-7): The Justices were not a Court of Law (*Boulter* v. *Kent Justices*, [1897] A. C. 556), and could proceed in a non-judicial way—*e.g.*, hear evidence not on oath. Quarter Sessions can, for the purposes of this sub-section, apparently do the same.[1]

"Persons interested."—These will include owners, lessees, licensees, mortgagees, &c. For the definition of "owner" see Section 74 of The Licensing Act, 1872, and Section 29 of The Licensing Act, 1874. The phrase does not appear to be intended by the Legislature to apply only to those who have an "interest" in the premises in the sense in which that word is used in the law of real property. In the recent case of *R.* v. *Groom* ([1901] 2 K. B. 157) it was held by the Divisional Court (Lord Alverstone, C.J., and Lawrence, J.) that rival brewers had an "interest" in the decision of Justices so as to allow them to take proceedings by *certiorari* to quash a licence granted by Justices out of time and therefore without jurisdiction. There is a difference between the phrases "persons interested" and "persons appearing (*i.e.*, to Quarter Sessions) to be interested": the question as to who constitute the former class is a mixed question of fact and law, a decision as to which could be the subject of revision by case stated or by *mandamus*; in the case of the latter class the question is purely one of fact to be finally determined by Quarter Sessions (see Section 2, p. 58, and notes). Quarter Sessions have also discretion to decide who are to be entitled to be heard on the ground of "interest in the question of renewal," as distinct from "interest in the premises." Rules 7 to 33 of the Rules made by the Secretary of State deal with procedure at the hearing before the Compensation Authority.

If Quarter Sessions decide against renewal of any licence, compensation will be payable on the fixed scale allotted by Section 2 (p. 51).

[1] There appears to be nothing in the Act to prevent Quarter Sessions being themselves represented before the Justices in order to raise objections.

Sec. 2, s.s. 1.

Payment of compensation on non-renewal of licence.

2. (1) **Where quarter sessions refuse the renewal of an existing on-licence under this Act, a sum equal to the difference between the value of the licensed premises (calculated as if the licence were subject to the same conditions of renewal as were applicable immediately before the passing of this Act, and including in that value the amount of any depreciation of trade fixtures arising by reason of the refusal to renew the licence) and the value which those premises would bear if they were not licensed premises shall be paid as compensation to the persons interested in the licensed premises.**

"Quarter Sessions."—For definitions of this term and of the term "existing on-licence" see Section 9, s.s. 4, p. 88, and notes to Section 1, s.s. 1, p. 42.

"A sum equal to the difference."—The scheme of the Act is to pay compensation on the basis of what is called in Section 4 "monopoly value": that is the difference between the value of the premises as licensed and as unlicensed, allowing for depreciation of trade fixtures. There are thus three factors to be considered in arriving at the sum payable as compensation—

(A) The value of the "*licensed premises*" calculated on a certain basis.

(B) Depreciation of trade fixtures resulting from refusal to renew.

(C) The value which "those premises would bear if they were not licensed premises."

Personal considerations—*e.g.* goodwill, so far as it depends on a personal element—are excluded.

(A) Value of the Licensed Premises. — The principles governing the ascertainment of this value have, prior to the present Act, often had to be considered in compensation and rating cases, and these principles will be generally applicable;

but the above section gives, in addition, a rate of calculation which, for the purposes of this Act, must be adopted when considering the principles of the decisions as they stand.

To arrive at this value, therefore, two things have to be considered—

(i) The value according to the *principles* of the previous decisions.

(ii) The calculation required by the Act.

(i) *The value according to the principles of the previous decisions* has been arrived at in this way: For purposes of rating assessment the basis taken is the annual letting value (see *Mersey Docks* Case, (1865) 11 H. L. C. 443; Parochial Assessment Act, 1836, 6 & 7 Will. IV. c. 96). What that annual letting value is may often be very difficult to ascertain. Such premises as Bedlam or Euston Station have no "annual letting value" in the ordinary sense of the term; but the Court has to arrive at an estimate of this value somehow.

Further, in the case of licensed premises there are additional complications—assuming that the annual letting value of premises is what a tenant will give for them. The annual rent actually paid by the tenant is very often not the only consideration for the lease—a lump sum or premium is frequently paid in consideration of the lease being granted at its inception. From this point of view—viz. of the true annual value—part of this premium is clearly capitalised rent. It often happens, in fact, that this lump sum is not actually paid by the tenant, but advanced by the owner to him on mortgage of the lease, so that the tenant is paying both rent and mortgage interest.

Moreover, where the term is anything but a short one, fluctuations in the value of adjacent property, or in the class of residents in the neighbourhood, may cause the value of the property to vary greatly, and make the rent actually being paid an uncertain test. Theoretically the profits actually made in the past are not the test of letting value, but they often have, in fact, to be taken into account. The whole question was considered by the House of Lords in the recent

case of *Cartwright* v. *Sculcoates Union* ([1900] A. C. 150). The result of the judgments in that case is, first, that the licence is an element in the value of the premises which must be taken into consideration; and, secondly, the normal test for arriving at the annual letting value is the value of similar premises in the immediate neighbourhood. Where none such exist, or none under precisely similar circumstances, the volume of trade done may be rightly considered in order to arrive at the annual value, for that is the first thing a prospective tenant will consider in deciding how much he is prepared to pay in rent. But in the case of *London County Council* v. *City of London Brewery* ([1898] 1 Q. B. 387) it was held that profits were not to be taken into consideration for compensation purposes. Even profits may be inquired into in considering this question of volume of trade, though, as a matter of practice, this will only be done in rating cases in the last resort, as it may be oppressive to the publican to cross-examine him as to his trade profits. As to the basis of rating for a "tied" house see *Bradford-on-Avon* v. *White* ([1898] 2 Q. B. 630), where the basis was held to be what tenants, including brewers, would give: the rent actually paid for a tied house is no test of market value. For compensation purposes, however, the "tie" must be considered (*Chandler's Wiltshire Brewery* v. *London County Council*, [1903] 1 K. B. 569).

The actual existing rating assessment will not itself be evidence of value, and it is difficult to see how the compensation claim can be prejudiced by a low assessment.

(ii) *The calculation required by the Act* is that the value must be "calculated as if the licence were subject to the same conditions of renewal as were applicable" prior to 15th August, 1904. It is difficult to see how, in the majority of cases, the calculation can practically affect the actual value as ascertained according to the principle of such cases as that of the *Sculcoates Union* (see above). On the one hand the Justices will not now have the free discretion which they had before: such cases as *Sharp* v. *Wakefield* ([1891] A. C. 173) and *R.* v. *Howard* ([1902] 2 K. B. 363) decided

this discretion was absolutely unfettered, though it had to be exercised judicially. Quarter Sessions will, however, have the same free discretion that the Justices formerly had. But it may be argued that, as a matter of practice, licences will tend to become more valuable than they were; and if the effect of the Act is to reduce the number of licences in existence in proportion to population, those that remain will clearly increase in value. There is also the fact that compensation will now be paid for licences refused, which will make a difference in the value of the licensed premises before and since this Act. As against that must be set the compulsory payments to the insurance fund under Section 3. These considerations may fairly be set off against one another.

There will be a considerable difference, however, in one case: viz.—that of the ante-1869 beerhouses. Formerly there was no discretion to refuse licences for these, save on the four grounds mentioned in Section 8 of The Wine and Beerhouse Act, 1869 (see notes to Section 1, p. 43, and Section set out at length in the Appendix). As to these, therefore, the method of calculation provided by the Act will mean that they are to be taken at the *ante*-1904 value, *i.e.*, at a higher value than they will in future bear.

(b) Depreciation of Trade Fixtures resulting from Refusal to Renew the Licence.—This is a matter of valuation by professional valuers, and will be a question, generally speaking, of fact and not of law, and calls for no special comment here.

(c) Value of the Premises if they were not Licensed.—This will be determined according to the principles outlined above, and also calls for no special comment.

Practical Difficulties.—The practical difficulties in applying the section will be considerable. Assessing the difference in the value of licensed premises, say in 1908, and what they would have been worth if subject to the same conditions of renewal as were applicable prior to 1904, will be the first difficulty. This, however, is a matter of assessment,

and must be settled, in fact, in the same sort of rough-and-ready way by calling experts on each side as is done at present for rating purposes.

A further difficulty is that no power is given to determine existing leases or mortgages.[1] For example—assume licensed premises are let by the owner with, say, thirty years to run, at a rent of £200 a year, with £1000 paid as premium by the tenant at the granting of the lease; and that £200 is double the rent that would be paid if the premises were not licensed or leased for any other purpose. There may also be, as there often are, very onerous covenants imposed in such a lease; amongst others that the premises shall never be used for any other purposes than licensed premises.

The compensation will first be assessed in a lump sum, *i.e.* the difference between the value of the premises as licensed (calculated on the pre-1904 basis of renewal, and allowing for depreciation) and what they will be worth without the licence. In this assessment the £1000 premium and the double rent will be important items, and the sum awarded must be sufficient to compensate the tenant's loss, and also the landlord for his loss on his reversion. The tenant's claim will be, say, twenty-five years' purchase of the difference in rent, *i.e.* £100 × 25 = £2500 + say £500 of his premium = £3000. Assume the compensation for the landlord's reversion is £500, then the amount awarded is £3500, of which the full £3000 will presumably be paid to the tenant, for the covenants in the lease will still stand, and unless the lease be surrendered the tenant will remain liable for rent under the lease: *i.e.* he will remain liable for thirty years to pay a rent twice the value of the premises under the new conditions, and he will be liable to the other onerous covenants, if any. The common covenant to use the premises for a licensed house and for no other purpose having become by operation of law impossible of execution will be treated, presumably, as void. In the

[1] For power for a County Court to terminate leases see Factory and Workshops Act, 1901, Section 102, s.s. 8.

case of *Baily* v. *De Crespigny* ((1869) L. R. 4 Q. B. 180) it was held that where the taking by a railway company, under compulsory powers, of lands of the lessor De Crespigny, adjacent to those leased by Baily, made it impossible for the lessor to carry out a covenant not to allow buildings on lands adjacent, the lessor was discharged from this covenant. Further, if it is actually a condition precedent that the premises are to be used as licensed premises, then, on the licence being refused, the whole lease may become voidable (*Behn* v. *Burness*, (1862) 3 B. & S. 751). Apart, however, from such a condition, the lease will stand so far as the other covenants are concerned. The same difficulty will arise, and in much the same way, in the case of mortgages: *e.g.*, if the £1000 premium is advanced by the owner to the tenant on mortgage, the onerous mortgage covenants will still continue in force.

Ordinary covenants of an onerous nature in a lease are—that the tenant shall personally reside on the premises and attend to the business; that he will not brew beer himself; that the lessors may inspect his accounts at any time. The tenant has also often to deposit sums as a security for due payment of rent in the case of a public-house, which is not done in other cases (see *Key and Elphinstone's Precedents*, vol. i., p. 756). Some leases contain an express clause that when the licence is refused the lease shall determine. In such cases no difficulty will, of course, arise. If so large a sum as £3000 is paid direct into the publican's hands, and he is a person of little substance, the temptation to throw up the lease and retire to America may be considerable; or to squander the large amount of compensation money. In either case the brewer landlord would have no practicable means of enforcing payment of his high rent; while if the brewer in his turn were not landlord, but held on a head lease from the landlord, then, though the brewer would have no security for getting his £200 a year rent for the next twenty years, he himself will remain liable for his rent—probably in its turn a high one—and the covenants to the landlord.

In either case, if the brewer in any case under consideration by Quarter Sessions were prepared to accept a surrender of

the publican's lease and release the tenant, the tenant would probably accept it, or Quarter Sessions might even put some pressure on him to carry out this reasonable arrangement, if he refused, under s.s. 2 (page 58), in exercising their power to divide the compensation money amongst the persons interested in such shares as they may determine. But as already pointed out, there is no direct power given to Quarter Sessions to compel a surrender of the lease. In many cases the brewer is safeguarded by a mortgage so far as the publican tenant is concerned. When the brewer holds of a ground landlord at a high rent the latter will probably prefer to let the lease stand as a good investment.

"Shall be paid."—In other words, a definite sum is fixed by the outside machinery of the Commissioners of Inland Revenue, as provided by Section 3 (p. 64). When so fixed the sum must be paid if the licence is to be withheld; that is to say, if the fund in the Quarter Sessions area is so depleted that a sufficient amount is not forthcoming, the licence cannot be refused till the amount is sufficient. A case where difficulty will probably arise will be, *e.g.*, if a tenant of licensed premises has mortgaged his interest in the lease for more than the full amount which the Commissioners decide should be paid in compensation. The prices advanced in past years in connection with licensed premises very often have been inflated. Assume a common case of a lease by freeholders to brewers for fifty years; a sub-lease by them to a publican for thirty years; and that the publican has mortgaged his lease to the bank for £10,000: if only £7500 is found to be now the difference between the value of the premises as licensed under the *ante*-1904 conditions and the value of the premises when let for other purposes, then if £1000 be allocated by Quarter Sessions to the landlord, £1500 to the brewers, and £5000 to the tenant, Quarter Sessions will presumably direct the whole £5000 to go to the bank as mortgagees, subject to the tenant's one year's minimum under the proviso in s.s. 2. The tenant will, of course, remain liable on his mortgage covenant for the residue of the debt to the bank,

and the bank can take proceedings elsewhere to secure their hold on the amount paid to the tenant, and the bank will also have the security of the lease; but this latter will probably be in many cases worth very little—less, that is, than the Commissioners value it at—when the licence is gone.[1]

There is a further difficulty as to the question of time. If the Justices report that a particular licence should be withdrawn, and Quarter Sessions confirm the report, they would *primâ facie* refuse the renewal there and then; but the amount of compensation has then to be calculated. This may take time: *e.g.*, six months or a year, or even two years if appeal is taken to the High Court; and it may be difficult to make new arrangements till the compensation is paid over.

Consequently the Rules provide that the provisional renewal of the licence may be extended till the compensation money is in fact paid (Rule 43).

Sec. 2, s.s. 2.

Payment of compensation on non-renewal of licence.

(2) The amount to be so paid shall, if an amount is agreed upon by the persons appearing to quarter sessions to be interested in the licensed premises and is approved by quarter sessions, be that amount, and in default of such agreement and approval shall be determined by the Commissioners of Inland Revenue in the same manner and subject to the like appeal to the High Court as on the valuation of an estate for the purpose of estate duty, and in any event the amount shall be divided amongst the persons interested in the licensed premises (including the holder of the licence) in such shares as may be determined by quarter sessions:

Provided that in the case of the licensed holder regard shall be had not only to his legal interest in the premises or trade fixtures, but also to his conduct and to the length of time during which he has been the holder of the licence; and the holder of a licence,

[1] The obligation to pay compensation under Section 2, s.s. 1, appears to constitute a debt, which could be garnisheed (*Shepherd* v. *Hills*, (1855) 11 Ex. 55).

if a tenant, shall (notwithstanding any agreement to the contrary) in no case receive a less amount than he would be entitled to as a tenant from year to year of the licensed premises.

Sec. 2, s.s. 2.
Payment of compensation on non-renewal of licence.

"Persons appearing to Quarter Sessions to be interested."—Quarter Sessions have no power to fix the amount of compensation—that amount has either to be agreed, or else it must be determined by the Commissioners of Inland Revenue. The phrase used generally in this section and in Section 1, s.s. 2 (page 47), is "persons interested." Who is a "person interested" would be a mixed question of law and fact. In the case of agreement as to compensation (and also in the case of persons interested in the renewal of a licence —Section 1, s.s. 2) the words are—"persons *appearing* to Quarter Sessions to be interested": in other words, for the purpose of making the agreement as to valuations, the question as to who is interested, is a question of fact to be decided by Quarter Sessions. This will not, however, prevent any person who claims to be interested in the ultimate division of the sum agreed, and who had no share in such agreement, raising the question of his interest under the latter part of the section. There the words used are "persons interested"—not *appearing* to be interested. A person, in fact and in law, interested in the ultimate division will be able to secure a hearing by the process of Case stated, or *mandamus*.

The Commissioners of Inland Revenue do not consider who are or who are not interested: they assess the compensation payable in accordance with the fixed rules laid down in Section 2, s.s. 1 (p. 51); but any person claiming to be interested—*e.g.*, the owner of a beer engine attached to the licensed premises, who thought no proper account had been taken of the depreciation involved in the value of his beer engine—on the licence being withdrawn as provided by Section 2, s.s. 1 (p. 51), would be a "person aggrieved" within Section 10 of The Finance Act, 1894 (which governs the procedure on appeal), and would consequently be entitled

to appeal in accordance with the procedure provided by the above sub-section. The division of the sum awarded in compensation (estimated as a matter of administrative machinery by the Commissioners of Inland Revenue) will then be made by Quarter Sessions among the "persons interested." As already stated, if a person claims to be interested in the division of the compensation, and his claims are ignored by Quarter Sessions, he will be able to have the matter tested by Case stated or by *mandamus*, and that whether the lump sum payable in compensation has been estimated by agreement or by the Commissioners. There is nothing under the Finance Act procedure to compel the Commissioners to state how the sum they award is made up, and if they do not assess it under the various heads it may be very difficult for the persons interested to know if they are "aggrieved."

"As on the valuation of an estate for purposes of Estate Duty."—Provisions are made for this valuation by The Finance Act, 1894 (57 & 58 Vict. c. 30), as amended by Section 22 of The Finance Act, 1896 (59 & 60 Vict. c. 28). For the material sections of these Acts and the rules of procedure thereunder see Appendix, p. 172.

By Section 7 of The Finance Act, 1894, the principle to be adopted in determining value is the "price which, in the opinion of the Commissioners, such property would fetch if sold in the open market" (Section 5). The Commissioners may send inspectors to inspect the property, and may employ expert valuers (Sections 8 and 9). The procedure before the Commissioners is administrative, not judicial; but by Section 10 "any person aggrieved by the decision of the Commissioners . . . . or by the amount of duty claimed . . . . may appeal to the High Court." Appeal is allowed "on the ground of the *value* of any property," *i.e.*, on the facts as well as on points of law. The procedure is governed by Rules issued 14th January, 1895, printed at length in Appendix (p. 173). By these Rules the "person aggrieved" is required to deliver a written statement of his grounds of

appeal to the Commissioners within one month of their decision (Rule 1). Within one month of such delivery the Commissioners shall notify the appellant whether they maintain or withdraw their decision. Within one month of this notification the appellant must proceed by way of petition, filed in the King's Remembrancer's Department of the Central Office (Rule 3). He can only appeal on the grounds set out in his original statement. The matter is heard on the Revenue side of the King's Bench Division (Rule 5).

Section 10 directs, further, that appeals from the decision of the High Court to the Court of Appeal are only by leave (s.s. 2), and costs are in the discretion of the Court (s.s. 3). When the value of the property is below £10,000 the appeal may be to the County Court (s.s. 5); but in view of the words "High Court" in Section 2, s.s. 2, this County Court jurisdiction will not extend, apparently, to cases under The Licensing Act, 1904.

"Regard shall be had . . . . to his conduct."—In other words this curious result follows. The compensation payable is, for the purpose of any one house, a fixed sum. If the tenant is a man of good character, the Legislature suggest he is to receive a larger amount than if he were not; but the sum out of which this extra payment is made being fixed, the residue remaining over for the brewer or owner will be smaller if they have shown care in getting a good tenant than if they have not.

Any agreement to the contrary.—The tenant is never to receive less than he would be entitled to on the basis that he is a yearly tenant, *i.e.*, one year's compensation. This provision the tenant is not allowed to contract himself out of. For a similar clause forbidding contracting out of the benefits of an Act of Parliament see The Workmen's Compensation Act, 1897 (60 & 61 Vict. c. 3), Section 3. The Act does not say "any agreement between landlord and tenant,"

though this clearly is what is meant. The words are wide enough to include, for instance, the case of a mortgage by a publican-tenant of his interest to the Bank. In spite of such a mortgage it would appear that Quarter Sessions must pay over one year's value of the licensed premises to the tenant in priority to any mortgagee; but the Bank would be able at once to take proceedings elsewhere to get possession of the one year's value so paid.

Sec. 2, s.ss. 3, 4.
Payment of compensation on non-renewal of licence.

(3) If on the division of the amount to be paid as compensation any question arises which quarter sessions consider can be more conveniently determined by the county court, they may refer that question to the county court in accordance with rules of court to be made for the purpose.

(4) Any costs incurred by the Commissioners of Inland Revenue on an appeal from their decision to the High Court under this section shall, unless the High Court order those costs to be paid by some party to the appeal other than the Commissioners, be paid out of the amount to be paid as compensation.

Sec. 3, s.s. 1.
Financial provisions.

3. (1) **Quarter sessions shall, in each year, unless they certify to the Secretary of State that it is unnecessary to do so in any year, for the purposes of this Act, impose in respect of all existing on-licences renewed in respect of premises within their area charges at rates not exceeding, and graduated in the same proportion as, the rates shown in the scale of maximum charges set out in the First Schedule to this Act.**

"**Quarter Sessions.**"—See definitions of this term in Section 9, s.s. 4, and in Section 8, s.ss. 2 and 3 (page 80); and notes (p. 49).

"**Unless they certify . . . . it is unnecessary.**"—In other words, there is both a maximum and a minimum limit

imposed by the Act to the amount of the compensation fund that is capable of being raised in each Quarter Sessions area—*i.e.*, (1) In the County, or the separate areas in the County, if such separate areas are set up under Section 5 (page 76), the County including all Boroughs not County Boroughs; or (2) In the County Borough.

Quarter Sessions may, on the one hand, certify in any one year that no fund is necessary. This would amount to an expression of their opinion that licences have been reduced to, or stand at, their proper proportion to population, and that, though the Justices may report in favour of reductions, Quarter Sessions do not intend to make any more reductions at present. This is the minimum limit. On the other hand, if they do not so certify, an amount is to be assessed in each area. Premises with an on-licence are to be subjected to a fixed charge in proportion to the value of the premises, on a scale set out in Schedule I. (page 91). That schedule fixes the maximum charge for the area—the maximum varying from £1 for premises whose annual value (as taken for the purpose of the publicans' licence duty) is under £15, up to £100 for premises whose annual value, estimated in the same way, is £900 and over. Quarter Sessions may impose a lower charge than this, provided—

(*a*) A similar proportion is followed throughout the scale.

(*b*) All premises are subjected to the reduced scale.

A Return was made to the House of Commons (1st June, 1904, N. 191) as to the amount this levy was expected to produce in the two sets of areas—viz., Counties and County Boroughs—for publicans' licences, beerhouse licences, and hotel licences respectively. This Return is based on the assumption that the maximum charge would be made in all areas. The maximum naturally varies very much in different areas—*e.g.*, in the case of publicans' licences, from £309 in Rutland to £214,571 in London. The grand maximum total

was estimated at £1,209,572 13s. 4d. Schedule II. (page 92) contains a scale for adjusting the charge as between landlord and tenant, the charge primarily falling on the latter, who is allowed to make deductions from his rent in consequence.

Sec. 3, s.s. 2. Financial provisions.

(2) Charges payable under this section in respect of any licence shall be levied and paid together with and as part of the duties on the corresponding Excise licence, but a separate account shall be kept by the Commissioners of Inland Revenue of the amount produced by those charges in the area of any quarter sessions, and that amount shall in each year be paid over to that quarter sessions in accordance with rules made by the Treasury for the purpose.

"**Duties on the corresponding Excise licence.**"—These are of course payable by the licence holder—*i.e.*, by the tenant. Compare The Revenue Act, 1880 (43 & 44 Vict. c. 20, Section 43, s.s. 2), which speaks of the "licences to be taken out by the retailers of spirits." The tenant is allowed to make the deductions set out in Schedule II. (page 92).

"**Rules made by the Treasury.**"—There is also power under Section 6 for the Secretary of State to make Rules generally for carrying the Act into effect. (For such latter Rules see Appendix.)

Sec. 3, s.ss. 3, 4. Financial provisions.

(3) Such deductions from rent as are set out in the Second Schedule to this Act may, notwithstanding any agreement to the contrary, be made by any licence holder who pays a charge under this section, and also by any person from whose rent a deduction is made in respect of the payment of such a charge.

(4) Any sums paid under this Act to quarter sessions in respect of the charges under this section, or received by quarter sessions from any other source for the payment of compensation under this

Act, shall be paid by them to a separate account under their management, and the moneys standing to the credit of that account shall constitute the compensation fund.

Sec. 3, s.s. 4.

Financial provisions.

"Notwithstanding any agreement to the contrary."—See proviso in Section 2, s.s. 2 (p. 59), where similar words occur, and notes thereto.

The Act does not state exactly at what moment the deductions in Schedule II. are to be calculated. A publican's Excise licence expires on the 10th October in each year (6 Geo. IV. c. 81, Section 16).

The charge payable under this Act will therefore become payable on the 11th October, when the new Excise licence is payable. Presumably, that is the moment (*i.e.*, when the licence duty becomes due) which will usually have to be considered for the purposes of Schedule II. But where delay is made in the application for renewal it appears that the calculation for the purposes of Schedule II. should be made at the moment when it is actually renewed. If the required notice is given within twenty-one days of the expiry of the licence (under 6 Geo. IV. c. 81), the new licence dates from the expiry of the old one, otherwise only from the date of the application for the new licence.

Assuming the date of actual renewal to be the date to be considered, and that the licence is renewed at the proper time, the matter would work out in this way. In the case of a lease commencing on Michaelmas-day and with (on the 29th September, 1905) one year more to run, then, if the excise licence is renewed on the 10th October, 1905, the unexpired term does not exceed one year, and the tenant may deduct a sum equal to the whole charge. If the lease expires on Michaelmas-day, 1907, the unexpired term exceeds one year but does not exceed two years, and the deduction allowed the tenant is eighty-eight per centum.

As the words used in the Schedule are "unexpired term," the whole currency of the term must be looked to; the fact that there is power to determine the term at a period short

of the full term (*e.g.*, at the end of a certain number of years, or on certain quarter days, with so many months between), will not generally affect the period to be considered, which is the full term unexpired (*Goodright* v. *Richardson*, (1789) 3 T. R. 462: Judgment of Buller, J.). In other words, the deduction would be made on the small scale allowed for the long term, not on the larger scale for the shorter period.

Sec. 3, s.s. 5.

Financial provisions.

(5) Any expenses incurred by quarter sessions in the payment of compensation under this Act, or otherwise in the exercise of their powers or the performance of their duties under this Act, and such expenses of the justices of the licensing district incurred under this Act as quarter sessions may allow, shall be paid out of the compensation fund, and quarter sessions, in the exercise of their powers under this Act, shall have regard to the funds available for the purpose.

Quarter sessions may, with the consent of a Secretary of State, borrow in accordance with rules made under this Act, on the security of the compensation fund, for the purpose of paying any compensation payable under this Act.

"**Any expenses.**"—Thus the charges payable out of the compensation fund will be—

(1) Expenses incurred by Quarter Sessions, as above, in exercise of the powers under the Act (Section 3, s.s. 5).

(2) Expenses of Justices as allowed by Quarter Sessions, as above (Section 3, s.s. 5), including the costs of their reports under Section 1, s.s. 1 (and presumably also of their appearance under Section 1, s.s. 2).

(3) Costs of Commissioners of Inland Revenue under Section 2, s.s. 4.

(4) Lastly, and of course the main item, costs of compensation payable to "*persons interested*" under Section 2, s.s. 1.

"**Quarter Sessions . . . may borrow.**"—See Section 6 (*b*) (p. 79), by which the period of loans is restricted to fifteen years. The Home Secretary's Rules 65 to 71 deal with the conditions for such loans, their security, repayment, &c. (see Appendix, p. 108).

Sec. 4, s.s. 1. — Provisions as to new licences.

4. (1) The power of the county licensing committee to confirm new licences, and any other power of that committee, shall be transferred to quarter sessions.

"**The County Licensing Committee**" was appointed under Section 37 of The Licensing Act, 1872, and was a Committee of Quarter Sessions, consisting of not less than three nor more than twelve members (see p. 12).

For "*other powers*" of the County Licensing Committee see Section 43 of The Licensing Act, 1872, as to costs, and Section 38 of The Licensing Act, 1872, as to appointment of the Joint Committee.

"**Quarter Sessions.**"—The power of confirmation passes in the Counties from the old Licensing Committee to the new Committee appointed under Section 5, s.s. 2 (see p. 76, and notes thereto).

Sec. 4, s.s. 2. — Provisions as to new licences.

(2) The justices, on the grant of a new on-licence, may attach to the grant of the licence such conditions, both as to the payments to be made and the tenure of the licence and as to any other matters, as they think proper in the interests of the public, subject as follows:—

(*a*) Such conditions shall in any case be attached as, having regard to proper provision for suitable premises and good management, the justices think best adapted for securing to the public any monopoly value which is represented by the difference between the value which the premises will bear, in the

Sec. 4, s.s. 2.

Provisions as to new licences.

opinion of the justices when licensed, and the value of the same premises if they were not licensed: Provided that, in estimating the value as licensed premises of hotels or other premises where the profits are not wholly derived from the sale of intoxicating liquor, no increased value arising from profits not so derived shall be taken into consideration.

(*b*) The amount of any payments imposed under conditions attached in pursuance of this section shall not exceed the amount thus required to secure the monopoly value.

"New on-licence."—A new licence is defined by Section 32 of The Licensing Act, 1874, to mean "a licence for the sale of any intoxicating liquor granted at a general annual licensing meeting in respect of premises in respect of which a similar licence has not heretofore been granted," while Section 9, s.s. 4 (see p. 87) in effect defines a "*new on-licence*" as a licence granted after the passing of The Licensing Act, 1904, for the sale of any intoxicating liquor (other than wine alone or sweets alone) for consumption on the premises. Section 32 of The Licensing Act, 1874, must therefore, for the purposes of this Act, be modified accordingly, and will mean a grant of a licence (in respect of premises not formerly licensed) of a kind defined by Section 9, s.s. 4. For what that definition includes see notes, p. 88.

It is important to notice that the new power to attach conditions to the licence only applies to *on*-licences.

"May attach . . . . such conditions."—This power to attach conditions is new. It did not exist at common law. In the recent case of *R.* v. *Bowman* ([1898] 1 Q. B. 663) it was held by the Divisional Court (Wills and Darling, JJ.), following the old case of *R.* v. *Athay* ((1758) 2 Burr. 653), that Justices could not make the grant of a licence conditional on payment of £1000, even though that payment were for a

public purpose. If that were allowed "there would soon grow up a system of putting licences up to auction."

Though the decision in *R.* v. *Bowman* contains a perfectly clear statement of the law, conditions as to the method of carrying on the business have in recent times been, in fact, endorsed on licences when granted, though it is difficult to see on what legal ground this was done. In *Tait* v. *Newington Justices* ((1901) 65 J. P. 296) conditions endorsed that the sale of liquor in case of an off-licence should only be made in bottles or casks were upheld by Quarter Sessions on appeal. In *Stephens* v. *Brentford Justices* ([1901] 65 J. P. 345) Quarter Sessions rightly held that the parties had no power to attach conditions as to the method of conducting a business.

As to the new conditions four points are to be noted:—

(i.) Conditions may require payment to be made, or deal with tenure or other matters, but all conditions must be in "the interests of the public." As a result of s.s. 4 payments when made are to go to the local taxation account.

(ii.) The Justices must have "regard to proper provision for suitable premises and good management." On the one hand they must see the premises are suitable; on the other hand they must not drive such hard bargains with the owners as to diminish the prospect of good management.

(iii.) The Justices can only secure payments to the extent of the "monopoly value." This provision is analogous to that in Section 2, and means the difference between the value of the premises with and without a licence.

(iv.) Within these limits the Justices can enforce such conditions as to "payments" and "tenure," and "any other matters, as they think proper in the interests of the public."

These stringent powers must be seen at work before any stimate can be formed of their effects. If the Justices use

their powers with severity, applications for new licences will in practice only be made with extreme caution. But it is to be borne in mind—

(*a*) That the Justices' powers are discretionary: the Act only says they "*may*" attach conditions.

(*b*) The provision in s.s. 3, allowing the Justices to give fixity of tenure for a period up to seven years (subject of course to forfeiture for misconduct), is intended to allow time for recoupment for any heavy capital outlay required.

(*c*) There seems some risk that the licences may in effect be put up to auction, as pointed out in debates on the Bill. This is a course much to be deprecated. The Justices are only to secure the "monopoly value." Payments "*shall not exceed*" the amount required to secure this value. If competitive offers are allowed by Justices, the big brewing companies would probably bid against one another to secure the advantage of a new tied house. Consequently, offers may very probably be made equivalent, or nearly equivalent, to the whole annual value of the premises. These would "*exceed*" the monopoly value, and would be illegal. The Act does not say whether the payments are to be in one sum or in instalments; consequently, the Justices have a discretion as to this.

By virtue of Section 10 (p. 90) this sub-section must be read with Section 22 of The Licensing Act, 1874, which allows persons interested in premises about to be constructed to obtain a provisional grant of a licence before incurring the expenses involved in the building. When, under that section, the provisional approval of the Justices is obtained, and the premises are erected in accordance with the plans agreed, the licence cannot be refused, unless indeed there is a substantial variation between the plans agreed and the building eventually erected (*R.* v. *London County Justices*, (1889) 24 Q. B. D. 341).

Section 50 of the Licensing Act of 1872 may also be of importance in this connection. That section allows licences to be "removed from one part of a licensing district to another part of the same district, or from one licensing district to another licensing district within the same county." Conditions of some severity are imposed by that section, but in practice the section has till now been of little practical use, the ordinary course adopted being to apply for a new licence for the premises to which it is proposed to transfer, and to offer, if that were granted, to surrender the old licence. In view of the increased stringency of the conditions now to be imposed for new licences, it is possible that applications for removal of licences may become more frequent in order to secure the comparative protection of Section 50.

Sec. 4, s.s. 3.

Provisions as to new licences.

(3) The justices may, if they think fit, instead of granting a new on-licence as an annual licence, grant the licence for a term not exceeding seven years, and where a licence is so granted for a term—

(*a*) Any application for a re-grant of the licence on the expiration of the term shall be treated as an application for the grant of a new licence, not as an application for the renewal of a licence, and during the continuance of the term the licence shall not require renewal: and

(*b*) Any transfer of the licence shall, subject to any conditions attached thereto on the grant, have effect for the remainder of the term of the licence, and may be granted at a general annual licensing meeting as well as at special sessions, and any reference to special sessions in any enactment relating to transfers or protection orders shall include a reference to the general annual licensing meeting.

"**Terms not exceeding seven years.**"—Formerly no power existed to grant a licence for more than a year. See Section 13 of The Alehouse Act, 1828 (9 Geo. IV. c. 21), and Section 6

of The Wine and Beerhouse Act, 1869 (32 & 33 Vict. c. 27); and see *R.* v. *London County Justices*, (1889) 24 Q. B. D., at p. 345, where the annual limit was held to apply equally to a provisional grant of a licence under Section 22 of The Licensing Act, 1874. Under the above sections, during the continuance of the term, whatever it be, no new licence will be necessary; but at the end of the term the application is to be for a *new* licence, not as for a renewal: *i.e.*, the Justices can attach new conditions under Section 4, s.s. 2. A transfer will also be valid to the end of the term (apart from any conditions attached), and not, as formerly, only till the 5th April immediately following. (see p. 37).

"Protection orders."—These can be made under Section 1 of The Licensing Act, 1842 (5 & 6 Vict. c. 44), as amended by Section 15 of The Licensing Act, 1902 (2 Edw. VII. c. 28; see p. 74). These "protection orders" are a means whereby Justices at *Petty* Sessions may *temporarily* transfer a licence to any person not by law disqualified from holding a licence. This is effected by endorsement on the licence, but such endorsement only allows the transferee to carry on till the next Special Sessions, when a proper application for transfer must be made. Such a protection order does not revoke the original licence, and if the applicant does not proceed under it the original holder may continue to trade under the original licence (*Andrews* v. *Denton*, [1897] 2 Q. B. 37).

Sec. 4, s.ss. 4,5.

Provisions as to new licences.

(4) The amount of any payments made in pursuance of any conditions under this section shall be collected and dealt with in the same manner as the duties on local taxation licences within the meaning of Section Twenty of The Local Government Act, 1888.

(5) A licence granted for a term under this section may (without prejudice to any other provisions as to forfeiture) be forfeited, if any condition imposed under this section is not complied with, by order of a court of summary jurisdiction made on complaint, or, if the

holder of the licence is convicted of any offence committed by him as such, by the court by whom he is convicted, but where a licence is so forfeited the owner of the licensed premises shall have all the rights conferred on owners by Section Fifteen of The Licensing Act, 1874.

Sec. 4, s.s. 5.

Provisions as to new licences.

"Local Government Act, 1888."—Section 20 of this Act provides for the payment into the Bank of England to the Local Taxation Account of the proceeds of the duties collected by the Commissioners in each County on what the Act calls "local taxation licences," of which a list is given in a Schedule to the Act (s.s. 1). The amount collected in each County on these local taxation licences, and certified by the Commissioners, shall then be paid out, under the direction of the Local Government Board, to the Council of the County (see Section at length in Appendix).

"A licence granted for a term . . . . may be forfeited."—There are three grounds of forfeiture provided by this clause in the case of licences granted for a term:—

(1) "Other (*i.e.*, general) provisions as to forfeiture." Such would be a conviction under Section 11, s.s. 2, of The Licensing Act, 1902, for making "alterations in any licensed premises without the consent of the Licensing Justices." In addition to these grounds of forfeiture in force before 1905, which numbered six, the Act adds, in the case of the new leased licences, two more grounds: *i.e.*,—

(2) Where conditions under this section, whether as to "payment," "tenure," or "any other matters" (Section 6, s.s. 2) have not been complied with.

(3) When the holder of a licence is convicted of any offence committed by him *as such*. The same phrase is used in Section 9, s.s. 1, of The Licensing Act, 1902 (see Appendix, p. 178.)

There are many such offences—*e.g.*, under Section 5 of The Licensing Act, 1872, allowing consumption on premises which only have an off-licence; under Section 13 of the same Act, permitting drunkenness on the premises; under Section 15, permitting premises to be a brothel; harbouring or bribing a constable (Section 16) &c. In any of the three cases above set out a Court of Summary Jurisdiction will now be able, on proof of commission of one of the three kinds of offences, to declare the licence forfeit, subject to an appeal to Quarter Sessions under Section 52 of The Licensing Act, 1872.

"Section 15 of The Licensing Act, 1874."—This section provides, in effect (*a*) For application by the owner to a Court of Summary Jurisdiction for authority to carry on the business till the next Special Sessions; and (*b*) For application at those Sessions for a grant where the tenant is convicted for the *first time* for one of the following four offences:—

(*a*) Making improper internal communications.

(*b*) Forging a certificate under The Wine and Beerhouse Acts, 1869 and 1870.

(*c*) Selling spirits without a spirit licence.

(*d*) Any felony.

These Magistrates' orders are known as "protection orders," though Section 15 uses the words "temporary authority."

The Magistrates have the same jurisdiction as to granting the protection order that Special Sessions have generally as to transfers (Licensing Act, 1842, Section 1); and under Section 15 the Justices have the same discretion as to granting the licence at the next Special Sessions as on application for a transfer, subject, in this case, to appeal under the provisions of Section 27 of The Alehouse Act, 1828, which have been held to be incorporated in Section 15 (*R.* v. *West Riding Justices*, (1883) 11 Q. B. D. 417). The Court of Appeal has recently decided that forfeiture destroys

the privilege of the *ante*-1869 beerhouses, and that then the discretion of the Justices as to whether they will grant the licence at Special Session is complete (*Tower Justices* v. *Chambers*, [1904] 2 K. B. 903)—reversing the Divisional Court (Lord Alverstone, L.C.J., and Wills and Kennedy, JJ.), who considered themselves bound by *ex parte Flinn* (No. 2, (1899) 2 Q. B. 607), which case is now over-ruled.

The application is thus made by or on behalf of the owner to the Magistrates for authority to carry on the business till the next Special Sessions; and a further application is then made to such Special Sessions for the grant of a licence. Section 15 provides that the provisions of The Alehouse Act, 1828, as to the grant of a *temporary authority* and to the grant of licences at Special Sessions shall apply as if the person convicted had become incapable of keeping an inn and the person applying for the grant was his assignee. The Alehouse Act, 1828, in fact, contains no such provision as to "temporary authority," and the reference should have been to The Licensing Act, 1842, Section 1. Where the licence has been forfeited, the owner cannot apply for a renewal under The Alehouse Act, 1828, but must either apply for a new licence or under Section 15 at the next Special Sessions (*Stevens* v. *Green or Sharnbrook Justices*, (1889) 23 Q. B. D. 143).

Sec. 4, s.s. 6.
Provisions as to new licences.

(6) On the confirmation of a new on-licence, the confirming authority may, with the consent of the justices authorised to grant the licence, vary any conditions attached to the licence under the provisions of this section.

"Vary any Condition."—Rules 46 and 47 (p. 104) provide procedure for notice to, and for a meeting of, the Licensing Justices in order that they may consider any variations made by the Confirming Authority on the conditions attached by the Licensing Justices to the grant. But such variations, even after such subsequent consideration by the Licensing Justices and possible amendment by them, will require the consent of

the Confirming Authority. If the two Authorities cannot agree as to the conditions, the applicant may suffer, for the Confirming Authority will probably try to enforce its will by refusing the licence.

Sec. 5, s.ss. 1–3. Division of area and appointment of committees for purposes of Act.

5. (1) Quarter sessions may, if they think fit, divide their area into districts for the purposes of this Act, and in that case this Act shall operate as if those districts were separate areas for the purposes of this Act under the same quarter sessions.

(2) Quarter sessions may delegate any of their powers and duties under this Act to a committee appointed in accordance with rules made by them under this section, and, except in a county borough, shall so delegate their power of confirming the grant of a new licence, and of determining any question as to the refusal of the renewal of a licence under this Act and matters consequential thereon, and county licensing committees shall cease to be appointed under The Licensing Act, 1872.

(3) Quarter sessions may make rules, to be approved by a Secretary of State, for the mode of appointment of committees under this section, and for the number, the quorum, and (so far as procedure is not otherwise provided for) the procedure of those committees.

"May delegate . . . . shall so delegate."—Quarter Sessions are *allowed* by this Section to delegate certain powers, and they are *compelled* to delegate certain other powers.

A. Quarter Sessions *may* delegate any of their powers and duties under The Licensing Act, 1904. These are—

(i.) To consider the reports of the Licensing Justices under Section 1, s.s. 2.

(ii.) To approve the amount of compensation payable under Section 2, s.s. 2.

(iii.) To decide the apportionment of the compensation money under Section 2, s.s. 2.

(iv.) To impose charges under Section 3, s.s. 1, and pay the amounts received to a separate account (Section 3, s.ss. 4 and 5).

(v.) To borrow for the compensation fund (Section 3, s.s. 5).

(vi.) To confirm new licences under Section 4, s.s. 1, in Counties.

(vii.) To divide their Area into Districts under Section 5, s.s. 1 (see p. 76).

(viii.) To make Rules under Section 5, s.s. 3 (see p. 76).

(ix.) To make returns to the Home Secretary under Section 7.

B. Quarter Sessions are *compelled*, in the case of Counties, to delegate to the Committee—

(i.) Their power of "confirming the grant of a new licence": *i.e.*, (vi.) above.

(ii.) Of determining any question as to the refusal of the renewal of an existing on-licence under this Act, and "matters consequential thereon": *i.e.*, (i.) to (v.) above.

This compulsory requirement does not apply to County Boroughs. Borough Licensing Committees, appointed under Section 38 of The Licensing Act, 1872, as modified by s.s. 4, for County Boroughs, retain their jurisdiction as to the grant of new licences (see p. 10, and Tabular Summary of Authorities, p. x). In the Counties the Licensing Committees appointed under Section 37 of The Licensing Act, 1872, cease to exist (see Appendix, p. 154). The rules of procedure, however, under Sections 37, 39, and 43 of The Licensing Act, 1872, and Section 25 of The Licensing Act, 1874, which are not repealed, will presumably apply to procedure at the confirmation of licences before the new Committee, under the above Section.

"Any question as to the refusal of the renewal of a licence under this Act."—This would include—The consideration of reports under Section 1, s.s. 1; the determination of who are the "persons appearing to Quarter Sessions to be interested," and hearing persons interested, on the report coming up from the Justices (Section 1, s.s. 2); accepting agreements as to compensation (Section 3); adjusting the payment of compensation (Section 3); besides deciding on the actual refusal or otherwise of the licence (Section 1, s.s. 2).

Sec. 5, s.ss. 4,5. Division of area and appointment of committees for purposes of Act.

(4) The justices of a licensing district being a county borough shall exercise their powers under The Licensing Acts, 1828 to 1902, as to the renewal of licences through the borough licensing committee appointed under Section Thirty-eight of The Licensing Act, 1872, and such number as the whole body of justices acting in and for the borough determine shall be substituted for seven as the maximum number, and seven shall be substituted for three as the minimum number of that committee.

(5) The justices of any borough, not being a county borough, but having a separate commission of the peace, shall be entitled to appoint one of their number to act, with reference to the determination of any question as to the refusal of the renewal of a licence under this Act and any matters consequential thereon, on the committee appointed under this section by quarter sessions, and for those purposes any justice so appointed shall be deemed to be an additional member of the committee.

"Section 38 of The Licensing Act, 1872."—This is set out at length in the Appendix (p. 155). It is important to notice that "renewal" here means renewal of *all* licences. Further, the effect of this sub-section is apparently to reconstitute the Committee for all purposes, and not only for renewals, in County Boroughs.

6. A Secretary of State may make rules for carrying into effect this Act, and may by those rules, amongst other things— *Sec. 6.* Rules.

(*a*) Provide for the provisional renewal of licences which are included in reports of the justices of a licensing district under this Act, and for consultation with those justices as to their reports, and for the time and manner of the consideration of those reports and of the payment of compensation; and

(*b*) Provide for the enforcement of any security given for money borrowed, and for the time, not exceeding fifteen years, within which money borrowed is to be replaced; and

(*c*) Regulate the management and application of the compensation fund and the audit of the accounts of quarter sessions; and

(*d*) Provide for constituting, where requisite, committees of quarter sessions standing committees, and for the employment of officers for the purposes of this Act; and

(*e*) Regulate the procedure of quarter sessions on the consideration of the reports of justices of a licensing district under this Act and on any hearing under this Act with reference to the refusal of the renewal of on-licences or the approval or division of the amount to be paid as compensation; and

(*f*) Provide for the authentication of any documents on behalf of quarter sessions or their committees.

"**May make Rules.**"—Quarter Sessions have also the power of making rules under Section 5, s.s. 3 (see p. 78). For Rules made by the Home Secretary, dated 20th December,

1904, dealing with these various points see Appendix, p. 93 ; and for a summary of their effect see Introduction, p. 31. Forms were published at the same time as the Rules (see p. 112).

Sec. 7, s.s. 1. — Returns to Secretary of State.

7. (1) Quarter sessions with respect to their own action and that of the justices of licensing districts under this Act, and the confirming authority, with respect to new licences granted under this Act, shall in each year make such returns to the Secretary of State as the Secretary of State may require.

"Confirming Authority."—That will be the Committee of Quarter Sessions in a County (Section 5, s.s. 2), and the whole body of Justices in a County Borough. The whole body of Justices will also act in Non-county Boroughs with more than ten acting Justices. The Confirming Authority in Boroughs with less than ten acting Justices is the Joint Committee (see Licensing Act, 1872, Section 38).

Sec. 8, s.s. 1. — Authorities and areas.

8. (1) The area of quarter sessions for a county shall, for the purposes of this Act, include any borough (not being a county borough) or any part thereof which is locally situated in that county.

"Area."—Orders have been issued by the Secretary of State, dated 17th November, 1904, under Section 9, s.s. 4, dividing the Counties of Kent, Lancaster, Suffolk, and Sussex for the purposes of this Act (*cf.* Section 5, s.s. 1).

Sec. 8, s.ss. 2,3. — Authorities and areas.

(2) This Act shall apply to a county borough as if it were a county, with the substitution for quarter sessions of the whole body of justices acting in and for the borough.[1]

(3) The City of London, for the purposes of this Act, shall be deemed to be a county borough.

[1] See Notes to Section 9, s.s. 1 (p. 84).

"Area . . . . include Borough."—Quarter Sessions will thus hear appeals both from (A) County and from (B) Non-county Boroughs in certain cases.

A.—County Boroughs.—Appeals from the Justices in all Boroughs, including what the Local Government Act of 1888 for the first time called "County Boroughs" (Section 31), went, prior to this Act, to Quarter Sessions for the County and not to the Recorder (*R.* v. *Recorder of Bristol*, [1854] 24 L. T., M. C., 43), on the ground that the Recorder might know the law, but was not the proper judge of questions of County policy.[1]

The appeal to Quarter Sessions remains, save in so far as it is taken away by this Act. Appeal will therefore lie from Justices in a County Borough to Quarter Sessions—

Generally, in cases where appeal now lies, and with which this Act does not deal.

As to appeal in the case of refusal of a licence on one of the four grounds open to Justices (see notes to Section 9, s.s. 1).

On the other hand—

(i) Where Justices in a County Borough report that the question of the renewal of a licence under Section 1, s.s. 2, requires consideration, they will report to the whole body of Justices acting in and for the Borough.

(ii) Also, in the case of new licences, the whole body of Borough Justices will be the confirming authority as required by Section 38 of The Licensing Act, 1872. County Boroughs include London by Section 8, s.s. 3.

B.—Non-County Boroughs.—As to these the law as to appeal to Quarter Sessions remains as it was, subject to the general modifications required by this Act: *e.g.*, that where

[1] In *R.* v. *Recorder of Bath* ([1904] 2 K. B. 570), however, appeal was allowed to the Recorder in the case of orders as to structural alterations made under Section 11, s.s. 4, of The Licensing Act, 1902.

questions of refusal of a renewal or of a transfer on grounds of policy go to a Quarter Sessions Committee, a Borough with separate Commission of the Peace may nominate a member thereon (Section 5, s.s. 5) (see Tabular Summary of Authorities, p. x).

The Justices for the five Cinque Ports—viz. Hastings, Sandwich, Dover, Hythe, and Romney—and for the two ancient towns of Rye and Winchelsea may act for the purpose of granting or transferring licences (Alehouse Act, 1828, Section 8). And by Section 248 of The Municipal Corporation Act, 1882, the Justices of Hastings, Sandwich, Dover, Hythe, and Rye have all the powers of Justices for a County as to the granting of licences within any corporate or non-corporate members or liberties of such five Boroughs not being within the limits of a Borough with a separate Commission of the Peace.

Sec. 9, s.s. 1.

Application of Act to special cases. Interpretation.

9. (1) The provisions of this Act shall apply to the transfer of an existing on-licence as they apply to the renewal of an existing on-licence, with the substitution of transfer for renewal.

There are many difficulties in construing the above sub-section (see pp. 37 and 41).

1. The Act substitutes all the machinery thereby set up for refusing *renewals* of existing on-licences (and for compensation on refusal, apart from the four grounds open to Justices) to *transfers*: *e.g.*, if a transfer were refused on grounds of policy by Quarter Sessions compensation would at once become assessable; but an application for renewal could still be made at the next General Annual Licensing Meeting, when compensation would again become assessable. To prevent this difficulty arising, Rule 45 (see p. 104) provides that when the question of a transfer is referred to the compensation authority the report of the Justices shall be transmitted to the compensation authority, but not till the close of the next General Annual Licensing Meeting. The result is that a transfer applied for, say in June, may have to stand over till the following April.

As a consequence, applications under Section 50 of The Licensing Act, 1872, as to "removals," which so far have been infrequent, will probably now become common.

2. By Section 16, s.s. 1, of The Licensing Act, 1902, the holder of the licence and the proposed holder are both to be present at the Special Sessions when a transfer is applied for under Sections 4 and 14 of The Alehouse Act, 1828. The Justices have, however, a discretion to dispense, for good cause shown, with the attendance of either of such persons, or both.

The attendance of the applicant is, however, not necessary on applications for renewal[1]; consequently, if "the provisions of this Act" as to renewal, which by virtue of Section 10 are to be construed with the provisions of the earlier Licensing Acts, are applied to transfers as the above subsection directs, it might be that Section 16, s.s. 1, of The Licensing Act, 1902, would not apply to the "*transfers of existing on-licences*"; but for this purpose Section 42 of The Licensing Act, 1872, would be applied. There would then be no statutory requirement of the presence of the previous holder, while the presence of the applicant—*i.e.*, the transferee—would be expressly dispensed with.

But the words of Section 42 of The Licensing Act, 1872, are clearly not applicable to transfers; and Section 10 of the present Act must be given a reasonable construction. It will probably be held that while the express provisions of The Licensing Act, 1904, as to renewal of existing on-licences are to apply to transfers, the incorporated earlier provisions as to renewals only apply to renewals, and the incorporated provisions as to transfers only apply to transfers.

Section 1, s.s. 2, requiring Justices to act "in accordance with The Licensing Acts, 1828 to 1902," in terms applies only to renewals.

3. Section 5, s.s. 4, and Section 9, s.s. 1, of The Licensing Act, 1904, when read and construed together, have this

[1] See Section 42 of The Licensing Act, 1872, p. 158.

result: Section 9, s.s. 1, says the provisions of the Act shall apply to transfers of existing on-licences as they apply to renewals of such licences, "*with the substitution of transfer for renewal*"; Section 5, s.s. 4, provides that the Justices of a County Borough shall "exercise their powers under The Licensing Acts, 1878 to 1902, as to the *renewal* of licences" through the Committee appointed under Section 38 of The Licensing Act, 1892, the numbers being modified. If "transfer" be substituted for "renewal" here, the effect is to require the Justices of a County Borough to exercise their powers under Sections 4 and 14 of The Alehouse Act, 1828, as to the transfer of licences through this Committee appointed under Section 38 of The Licensing Act, 1872, as modified by Section 5, s.s. 4, of The Licensing Act, 1904. The restriction of the work of this Committee to "*existing on-licences*," as defined by the Act—*i.e.*, on-licences in existence prior to 15th August, 1904, other than wine alone or sweets alone—is curious, and causes confusion (see Tabular Summary of Authorities, p. x).

In a County Borough, if this Committee refuse the renewal or transfer of an existing on-licence on one of the four grounds open to Justices (Section 1, s.s. 1), appeal apparently lies to Quarter Sessions under the Alehouse Act, Section 27. But this is by no means clear. If a case arises under Section 1, s.s. 1, it might conceivably be said that the Act has been "applied" within the meaning of Section 8, s.s. 2. There is no limitation in Sub-section 2 of Section 8 that the substitution is to be for the purposes of this Act. Once apply the Act and it may be argued that the whole body of Justices take the place of Quarter Sessions for all purposes.

"**Transfer.**"—For the procedure on transfer of a licence prior to this Act see p. 17, Introduction.

This section applies to "transfers" of on-licences as defined in s.s. 3 below, and existing on the 15th August, 1904—all the provisions of the Act relating to "renewals." The effect of this will be that the Justices' discretion to refuse a transfer

is now restricted to the four grounds under Section 1, s.s. 1 (see p. 43). If they wish to refuse a transfer for any other reason they must refer the matter to Quarter Sessions, who will then allow the compensation under Section 1, s.s. 2 (see p. 47). Formerly the discretion of Justices to refuse transfers was as wide as their discretion to refuse renewals (see *Traynor* v. *Jones*, [1894] 1 Q. B. 83, and cases there cited).

Section 16, s.s. 2, of The Licensing Act, 1902, allows the Licensing Justices at the General Annual Licensing Meeting to make regulations as to applications for transfers under Sections 4 and 14 of The Alehouse Act, 1828 (for which see Appendix), and the time which must elapse after one application before another is made. There is a proviso allowing them to dispense with their own regulations in particular cases.

For definition of "transfer" see Section 9, s.s. 4 (p. 89).

Sec. 9, s.s. 2.

Application of Act to special cases. Interpretation.

(2) If the justices of a licensing district refuse to renew an existing on-licence on the ground that the holder of the licence has persistently and unreasonably refused to supply suitable refreshment (other than intoxicating liquor) at a reasonable price, or on the ground that the holder of the licence has failed to fulfil any reasonable undertaking given to the justices on the grant or renewal of the licence, the justices shall be deemed to have refused the licence on the ground that the premises had been ill-conducted:

Provided that where the justices, on an application for the renewal of an existing on-licence, ask the licence holder to give an undertaking as aforesaid, they shall adjourn the hearing of the application, and cause notice of the required undertaking to be served upon the registered owner of the premises, and give him an opportunity of being heard.

"**Refuse to renew.**"—Prior to 1903, when a renewal was applied for, Justices often required the tenant to give undertakings controlling him in various ways with regard to the

management of his business. The tenant had very little power to refuse to give these undertakings, owing to the risk of losing his licence altogether if he did not accept them.

The Justices can now only refuse to renew on one of the four grounds of Section 1, s.s. 1 (p. 43), but if (1) ordinary refreshment is "persistently and unreasonably refused"; or (2) if "any reasonable undertaking" given on grant or renewal is not fulfilled, the Justices may treat the case as one of a house which is "*ill conducted*" under Section 1, s.s. 1, so that they can refuse the licence without reporting to Quarter Sessions or compensation being paid.

"Given . . . . on grant or renewal" apparently means given either before or after the passing of the Act. It is important to notice that the Act does not in terms give any new power to Justices to require undertakings to be given. It is nowhere provided that *refusal* to give an undertaking may be treated as a case of misconduct by the Justices.

Where licences are granted for a term not exceeding seven years under Section 4, s.s. 3, then no application for renewal will be necessary, and s.s. 1 (p. 82) applies the provisions of the Act relating to "renewals" to "transfers"; but Section 4, s.s. 5, retains the right in the case of leasing of a licence for the Magistrates to forfeit the licence in certain cases. A leased licence when transferred may be forfeited in the same way (Section 4, s.s. 3 (*b*)).

"Persistnetly and unreasonably refused."—There is no obligation attaching to licensed premises *as such* to serve either liquor or anything else (*Sealey* v. *Tandy*, [1902] 1 K. B. 296); but if the proprietor hold himself out as an *innkeeper*, and his premises as an *inn*, he is bound to provide reasonable accommodation and refreshment so long as he has room, though he is not bound to do anything unreasonable—*e.g.*, to let travellers sleep in the coffee room (*Browne* v. *Brandt*, [1902] 1 K. B. 696); and travellers must not behave in an improper way (*R.* v. *Ivens*, (1835) 7 C. & P. 213).

The difference between an *inn* and *licensed premises not an inn* is one of fact. Did the proprietor "hold himself out" as willing to receive all travellers who will pay a reasonable price? (see *Thompson* v. *Lacey*, (1820) 3 B. & Ald. 283). The remedy at common law of a traveller improperly excluded was by indictment or by civil action against the proprietor or manager. The present Act does not turn all licensed premises into inns, or extend the common law remedies of indictment or action to travellers who have suitable refreshment other than liquor persistently refused. It merely imposes, as a penalty for such refusal, a risk of having the licence taken away.

Sec. 9, s.ss. 3, 4.

Application of Act to special cases and interpretation.

(3) Section Nineteen of The Wine and Beerhouse Act, 1869, and Section Seven of The Wine and Beerhouse Amendment Act, 1870, are hereby repealed, and in the application of this Act to licences to which the said Section Nineteen extends, the grounds mentioned in Section Eight of The Wine and Beerhouse Act, 1869, shall be substituted for the grounds mentioned in this Act as the grounds on which the power to refuse the renewal of an existing on-licence is reserved to the justices of a licensing district.

(4) In this Act—

The expression "county" includes any riding, part, or division of a county having a separate commission of the peace and a separate court of quarter sessions; and

The expression "quarter sessions" means, as respects a county, the court of quarter sessions for that county:

"Section 8 of The Wine and Beerhouse Act, 1869."—For the four grounds under this section see the section set out at length in the Appendix. This sub-section relates to *ante*-1869 beerhouses; prior to the present Act there was no general discretion in the Justices to refuse to renew these licences; renewal could only be refused for the four special reasons under the Act of 1869. These *ante*-1869 beerhouses

are now brought into line, and their licences can be refused by Quarter Sessions on the grounds of general policy, when compensation will be payable under this Act (Section 1, s.s. 2). But the grounds on which the Justices may refuse to renew, apart from compensation, will be the four old ones under the Act of 1869 (Section 8), and not the four new ones under Section 1, s.s. 1, above.

Sec. 9, s.s. 4.

Application of Act to special cases and interpretation.

Provided that, where quarter sessions have customarily been held separately by adjournment or otherwise for any part of a county as defined by this Act, the Secretary of State may by order,[1] on the application of the justices sitting at each such separate sessions, constitute for the purposes of this Act any part of the county for which quarter sessions are for the time being so separately held a separate county, and the justices usually sitting at such separate quarter sessions a separate quarter sessions, and make all necessary provisions for the administration of the Act in such a case:

The expression "on-licence" means a licence for the sale of any intoxicating liquor (other than wine alone or sweets alone) for consumption on the premises, and the expression "new on-licence" shall be construed accordingly; and the expression "existing on-licence" means an on-licence in force at the date of the passing of this Act, and includes a licence granted by way of renewal from time to time of a licence so in force, whether such licence continues to be held by the same person or has been or may be transferred to any other person or persons:

The words *"existing on-licence"* are very important, and indicate the licences mainly affected by the provisions of

[1] For orders dividing Kent, Lancaster, Suffolk, and Sussex see notes to Section 8, s.s. 1.

this Act (see Section 1, s.s. 1, p. 41). The definition includes the following three licences:—

(*a*) The *Publican's Licence*, p. 3 (Alehouse Act, 1828, Section 1);

(*b*) *Beerhouse Licence*, p. 4 (Beerhouse Act, 1830, Section 1); and

(*c*) *Cider and Perry Licence*, p. 5 (Beerhouse Act, 1830, Section 30).

As to other on-licences—*e.g.*, a Wine-house Licence under Section 3 of The Refreshment Houses Act, 1860—held alone the Justices have still the old unlimited discretion to refuse renewals.

"**New On-Licence.**"—Section 32 of The Licensing Act, 1872, when read as required by Section 10, p. 90, with this Act, will make the definition of "new on-licence" run as follows:—A licence for the sale of any intoxicating liquors (other than wine alone or sweets alone) granted at a General Annual Licensing Meeting in respect of any premises in respect of which a similar licence has not heretofore been granted.

Sec. 9, s.s. 4.

Application of Act to special cases and interpretation.

Provided that where a provisional grant and order of confirmation of an on-licence has been made before the passing of this Act under Section Twenty-two of The Licensing Act, 1874, and is subsequently declared to be final under that section, the licence shall, although not in force at the date of the passing of this Act, be deemed to be an existing on-licence:

The expression "transfer" means a transfer under Section Four or Section Fourteen of The Alehouse Act, 1828.

"**Transfer under Section 4 or Section 14.**"—See Appendix for these Sections in full. The two Sections are to be construed

together. Section 14, "as has often been pointed out, is an extension of Section 4, and must be read with it" (*per* Matthew, L. J., in *R.* v. *West Riding Justices*, [1898] 1 Q. B. 563). In Section 74 of The Licensing Act, 1872, "transfer of a licence" only included transfers under Section 4.

Sec. 10, s.ss. 1–3.

Short Title. Construction. Commencement.

10. (1) This Act may be cited as "The Licensing Act, 1904," and may be cited and shall be construed as one with The Licensing Acts, 1828 to 1902.

(2) This Act shall come into operation on the First day of January, Nineteen hundred and five.

(3) This Act shall not extend to Scotland or Ireland.

For list of the Licensing Acts see Short Titles Act, 1896 (59 & 60 Vict. c. 14), Schedule II. In addition to the twelve Acts there set out The Intoxicating Liquors (Sale to Children) Act, 1901 (1 Edw. VII. c. 27), and The Licensing Act, 1902 (2 Edw. VII. c. 28), are now to be read and construed with the twelve earlier ones.

SCHEDULES.

SCHEDULE I.

SCHEDULE OF MAXIMUM CHARGES.

Annual Value of Premises to be taken as for the purpose of the Publicans' Licence Duty.	Maximum Rate of Charge.	Annual Value of Premises to be taken as for the purpose of the Publicans' Licence Duty.	Maximum Rate of Charge.
	£ s. d.		£ s. d.
Under £15 ..	1 0 0	£200 and under 300 ..	30 0 0
£15 and under 20 ..	2 0 0	300 „ „ 400 ..	40 0 0
20 „ „ 25 ..	3 0 0	400 „ „ 500 ..	50 0 0
25 „ „ 30 ..	4 0 0	500 „ „ 600 ..	60 0 0
30 „ „ 40 ..	6 0 0	600 „ „ 700 ..	70 0 0
40 „ „ 50 ..	10 0 0	700 „ „ 800 ..	80 0 0
50 „ „ 100 ..	15 0 0	800 „ „ 900 ..	90 0 0
100 „ „ 200 ..	20 0 0	900 and over	100 0 0

The rate of charge in the case of an hotel or other premises to which Sub-section Four of Section Forty-three of The Inland Revenue Act, 1880,[1] applies shall be one-third of that charged in other cases, and in the case of any licensed premises which are certified by the justices of the licensing district on the application of the holder of the licence to be used only as public gardens, picture galleries, exhibitions, places of public or private entertainment, railway refreshment rooms, bonâ fide restaurants or eating houses, or for any other purpose to which the holding of a licence is merely auxiliary, such rate, not less than one-third of that charged in other cases, as the justices think proper under the circumstances.

[1] Sub-section 4 of Section 43 of The Inland Revenue Act, 1880, provides that—

"(4) Where in the case of premises of the value of fifty pounds or upwards it shall be proved to the satisfaction of the Commissioners that the premises are structurally adapted for use as an inn or hotel for the reception of guests and travellers desirous of dwelling therein, and are mainly so used, the amount of duty to be paid on a licence to retail spirits shall not exceed twenty pounds. Provided that the relief under this sub-section shall not be given in case any portion of the premises is set apart and used as an ordinary public-house for the sale and consumption therein of liquors, and the annual value of such portion, in the opinion of the Commissioners, exceeds twenty-five pounds."

SCHEDULE II.

SCALE OF DEDUCTIONS.

A person whose unexpired term does not exceed			1 year may deduct a sum equal to		100 per cent. of the charge.		
		2	years	..	88	,,	,,
		3	,,	..	82	,,	,,
		4	,,	..	76	,,	,,
		5	,,	..	70	,,	,,
		6	,,	..	65	,,	,,
		7	,,	..	60	,,	,,
		8	,,	..	55	,,	,,
		9	,,	..	50	,,	,,
		10	,,	..	45	,,	,,
		11	,,	..	41	,,	,,
		12	,,	..	37	,,	,,
		13	,,	..	33	,,	,,
		14	,,	..	29	,,	,,
		15	,,	..	25	,,	,,
		16	,,	..	23	,,	,,
		17	,,	..	21	,,	,,
		18	,,	..	19	,,	,,
		19	,,	..	17	,,	,,
		20	,,	..	15	,,	,,
		21	,,	..	14	,,	,,
		22	,,	..	13	,,	,,
		23	,,	..	12	,,	,,
		24	,,	..	11	,,	,,
		25	,,	..	10	,,	,,
Exceeds 25 but does not exceed		30	years	..	7	,,	,,
30	,,	35	,,	..	6	,,	,,
35	,,	40	,,	..	5	,,	,,
40	,,	45	,,	..	4	,,	,,
45	,,	50	,,	..	3	,,	,,
50	,,	55	,,	..	2	,,	,,
55	,,	60	,,	..	1	,,	,,

But the amount deducted shall in no case exceed half the rent.

THE LICENSING ACT, 1904.

RULES

Made by the Secretary of State for the Home Department under Section 6 of The Licensing Act, 1904.

I HEREBY, in pursuance of Section 6 of The Licensing Act, 1904, make the following Rules :—

General Provisions.

1. These Rules may be cited as "The Licensing Rules, 1904."

2. (1) In these Rules—

"The Act" means The Licensing Act, 1904:

"The Compensation Authority" means, as respects a County, the Quarter Sessions for that County, and as respects a County Borough, the whole body of Justices acting in and for the Borough, and in either case includes, with regard to any matter delegated to a Committee under Sub-section Two of Section Five of the Act, the Committee to which the matter is delegated:

"The Renewal Authority" means the Justices having power to renew a licence, or, where a Committee of Justices have power to renew a licence, that Committee:

"The licensee" in respect of any licensed premises means the holder of the licence:

"The registered owner" in respect of any licensed premises includes any person whose name appears on the Register of Licences as the owner of those premises.

(2) The Interpretation Act, 1889, applies for the purpose of the interpretation of these Rules as it applies for the purpose of the interpretation of an Act of Parliament.

3. Any notice required to be published under these Rules by the Compensation Authority shall be published by advertisement in two local newspapers circulating in the area of that Authority, and, if the Authority think fit, in such further manner as the Authority direct.

4. (1) Any notice or other document required or authorised to be sent for the purpose of these Rules shall be in writing.

(2) Any notice or other document required or authorised by these Rules to be sent to an Authority shall be deemed to be duly sent if sent by post addressed to the Clerk of the Authority at his usual office.

(3) Any notice or other document required or authorised by these Rules to be sent by an Authority may be sent by the Clerk of that Authority.

(4) Any notice or other document required or authorised by these Rules to be sent to the licensee or the registered owner of any licensed premises otherwise than as a person entitled to compensation shall be deemed to be duly sent if sent by post addressed to the licensee or the registered owner at any address supplied for the purpose to the Clerk of the Compensation Authority by that licensee or registered owner, or if no such address is supplied, at the licensed premises.

(5) Any notice or other document required or authorised by these Rules to be sent to a person entitled to compensation after the persons so entitled are ascertained under these Rules shall be deemed to be duly sent if sent by post addressed to that person at his registered address, or, if no registered address has been supplied, if so sent to such address as the Clerk of the Compensation Authority, in the exercise of his discretion, believes to be the address of the person to whom the notice or document is to be sent.

5. The Forms set out in the Schedule to these Rules, or Forms as near thereto as circumstances admit, shall be used in all cases to which those Forms are applicable.

6. Any failure on the part of any Authority or any person to comply with the provisions of these Rules with respect to any proceedings of or before the Compensation Authority shall not render those proceedings or anything done in pursuance thereof invalid unless the Compensation Authority so direct, but any such proceedings or anything so done may be set aside either wholly or in part, or confirmed, or may be amended or otherwise dealt with, on such terms as the Compensation Authority think fit.

Transmission of List of Referred Licences and Reports.

7. As soon as may be after the conclusion of the General Annual Licensing Meeting in each year, and in any case before the Thirtieth day of April, the Renewal Authority shall send to the Compensation Authority a list of any matters referred to the Compensation Authority under Section One of the Act, together with their reports thereon, or, if there is no such reference, a notification to that effect.

8. Where the question of the renewal or transfer of any licence has been referred to the Compensation Authority, it shall be the duty of the Clerk of the Renewal Authority to enter in the Register of Licences a record of that fact, and also to enter particulars of the decision of the Compensation Authority as to the renewal or transfer of the licence, and in cases where compensation becomes payable the date of the extinction of the licence.

Meetings.

1. Preliminary Meeting.

9. The Compensation Authority shall in each year, unless no reports have been received from Renewal Authorities before the Thirtieth day of April, hold a Meeting (in these Rules referred to as "the Preliminary Meeting") for the preliminary consideration of any reports from Renewal Authorities within their area.

The Preliminary Meeting may be held at any time after reports or notifications have been received from all those Authorities, but shall in any case be held before the last day of May.

10. At the Preliminary Meeting the Compensation Authority shall consider, as a whole, and with regard to the funds at their

disposal and the general circumstances and needs of their area, any reports received by them from the Renewal Authorities within the area.

11. (1) The Compensation Authority shall send every Renewal Authority from whom a report has been received not less than seven days' notice of the date fixed for the Preliminary Meeting, and the Chairman of any such Renewal Authority and any number of members of that Authority, not exceeding two, appointed by the Authority for the purpose, and any officer of that Authority so appointed, shall have the right of attending the Preliminary Meeting for the purpose of consulting with the Compensation Authority as to the report of the Renewal Authority.

(2) This Rule shall not apply in a case where all the members of the Renewal Authority are also members of the Compensation Authority.

12. No person shall have a right to be present at the Preliminary Meeting other than the members of the Compensation Authority, and the representatives of Renewal Authorities who have the right to attend for consultation in pursuance of these Rules and any other person authorised by the Compensation Authority to attend.

13. If at their Preliminary Meeting the Compensation Authority, after considering the reports of the Renewal Authorities, decide, in the case of any licence to which any report relates, not to proceed upon the report in respect of that licence, the Compensation Authority shall, as soon as may be, send notice of their decision to the licensee and to the registered owner of the licensed premises affected thereby and to the Renewal Authority.

2. Principal Meeting.

14. The Compensation Authority shall (if requisite), as soon as may be after the conclusion of the Preliminary Meeting, hold a Meeting (in these Rules referred to as "the Principal Meeting") for the purpose of coming to a final decision as respects any case of a licence referred to them by the Renewal Authority in which they have decided to proceed under the Act.

15. The Compensation Authority shall, not less than fourteen days before the day fixed for their Principal Meeting, publish notice of the time and place of the Meeting, and shall also send a similar notice to the licensee and to the registered owner of the licensed premises affected, and to any Renewal Authority by whom any case to be dealt with at the Meeting has been referred.

16. The licensee and the registered owner of any licensed premises in the case of which the Compensation Authority have decided to proceed under the Act, and any person who satisfies the Clerk of the Compensation Authority that he is interested in the question of the renewal of the licence of any such premises shall, at any time after the close of the Preliminary Meeting, be entitled to obtain from the Clerk of the Compensation Authority, on payment to the Clerk of a fee to be fixed by the Compensation Authority, not exceeding fourpence for every folio or part of a folio, a copy of the part of the Renewal Authority's report which relates to those premises, or if in the opinion of the Clerk that part cannot be conveniently extracted, a copy of the whole of the report.

17. At the Principal Meeting the Compensation Authority shall deal with the cases before them in such order as they determine, but, if they think that the same facts and considerations are applicable to more than one case, may deal with those cases together, and on each case they shall give an opportunity of being heard to all persons to whom they are required to give that opportunity under Section One of the Act.

18. The Compensation Authority shall, as soon as may be after they have decided upon any case, send notice of their decision to the Renewal Authority by whom the case has been referred, and to the licensee and to the registered owner of the licensed premises affected by the decision; and, if the renewal of the licence is refused, shall also send notice of their decision to the Commissioners of Inland Revenue.

19. The proceedings at the Principal Meeting shall be open to the public except during any private consultation of the members of the Compensation Authority amongst themselves.

20. Anything which may be done at a Supplemental Meeting under the provisions of these Rules may be done, if the Compensation Authority think it convenient, at the Principal instead of at a Supplemental Meeting, but anything so done shall be provisional and subject to reconsideration for the purpose of giving effect to any decision of the Compensation Authority with respect to any claim, subsequently sent in under these Rules, of a person to be treated as a person interested in the licensed premises.

3. Supplemental Meetings.

Ascertainment of Persons entitled to Compensation.

21. Where the Compensation Authority at their Principal Meeting decide to refuse to renew the licence of any licensed premises, the Authority shall, as soon as may be, publish a notice specifying the licensed premises, and stating that, if any person other than the licensee or the registered owner claims to be treated as a person interested in the licensed premises, he must, within twenty-one days after the publication of the notice, send to the Compensation Authority a written claim giving particulars of the interest claimed.

22. The persons interested in the licensed premises within the meaning of Sub-section Two of Section Two of the Act (in these Rules referred to as "the persons entitled to compensation")—

(1) Shall be deemed to be the licensee and the registered owner of the premises, if no claim to be treated as a person interested in the licensed premises is sent in to the Compensation Authority under these Rules; and

(2) If a claim is so sent in, shall be deemed to be the persons who are determined to be the persons entitled to compensation, in accordance with these Rules.

23. Where a claim to be treated as a person interested in the licensed premises is sent in to the Compensation Authority under these Rules, that Authority shall, as soon as may be, hold a Supplemental Meeting for considering the claim, and, not less

than seven days before the day fixed for the Meeting, send notice of the time and place of the Meeting to the licensee and the registered owner of the licensed premises, and the claimant and any other person who has made a claim with respect to those premises.

24. The licensee and the registered owner of the licensed premises, and any person who has made a claim under these Rules with respect to those premises, shall at any time before the Meeting be entitled to obtain from the Clerk of the Compensation Authority copies of any claim relating to those premises sent to that Authority under these Rules, on payment to the Clerk of a fee to be fixed by the Compensation Authority, not exceeding fourpence for every folio or part of a folio.

25. At any Meeting so held the Compensation Authority shall, after giving the licensee and the registered owner of the licensed premises, and the claimant and any other person who has made a claim with respect to those premises, if present, an opportunity of being heard with reference to the claim, decide on the validity of the claim, and, after all the claims with respect to those premises have been disposed of, determine who are the persons entitled to compensation within the meaning of these Rules with respect to those premises.

26. Each of the persons entitled to compensation shall supply to the Clerk of the Compensation Authority the address to which any notice or other document which is to be sent to him under these Rules is to be directed, and that address is in these Rules referred to as "his registered address."

Approval of Compensation Money when agreed, and Settlement of Shares.

27. The Compensation Authority shall, after the time limited by these Rules for the sending in of claims has elapsed, hold a Supplemental Meeting for the purpose of considering whether their approval should be given to any sum agreed upon by the persons entitled to compensation and submitted to them as the money to be paid as compensation (in these Rules referred to

as "compensation money"), and of settling the shares in that compensation money, and at that Meeting shall give any person entitled to compensation an opportunity of being heard with respect to those matters.

Any such Supplemental Meeting may, if the Compensation Authority think fit, be held on the same day as a Supplemental Meeting for the determination of the persons entitled to compensation.

28. The Compensation Authority shall, if the Meeting is to be hold on the same day as the Meeting for the determination of the persons entitled to compensation, include in the notice of the latter Meeting a statement to that effect, and, if not, send, not less than seven days before the day fixed for the Meeting, notice of the time and place of the Meeting to the persons entitled to compensation.

29. Where the persons entitled to compensation agree upon a sum to be submitted to the Compensation Authority as the amount of compensation money, a written statement to that effect containing the sum agreed upon, signed by or on behalf of all those persons, must be lodged with the Compensation Authority at the Meeting or previously thereto.

30. (1) At the Meeting the Compensation Authority shall, if an agreement as to the sum to be paid as compensation money is submitted to them for their approval, consider whether their approval shall be given to that sum, and, if their approval is so given, shall proceed to settle the shares of the persons entitled to compensation in that sum.

(2) If the amount of compensation money remains to be determined otherwise than by means of an agreement approved by the Compensation Authority, the Compensation Authority shall either adjourn the Meeting until the amount of the compensation money has been so determined, in order that the shares of the persons entitled to compensation may subsequently be settled with reference to the actual amount so determined, or, if they think fit and are of opinion that no person's claim will be prejudiced thereby, proceed to fix the proportions in which the compensation money, when the actual amount is determined, is to be divided amongst those persons.

(3) Where the proportions in which the compensation money is to be divided when the actual amount is determined are fixed under this Rule by the Compensation Authority, the Clerk to the Compensation Authority shall, as soon as may be after the amount has been determined, settle the amount of the respective shares of the persons entitled to compensation, in accordance with the proportions so fixed.

31. If the amount of compensation money remains to be determined otherwise than by means of an agreement approved by the Compensation Authority, the Compensation Authority shall send a notice of the fact to the Commissioners of Inland Revenue, accompanied by a statement of the names and addresses of the persons entitled to compensation.

32. In cases where the amount of compensation money is determined otherwise than by means of an agreement approved by the Compensation Authority, the Compensation Authority may, before the amount of the shares is settled under these Rules, require that a certificate of the Inland Revenue Commissioners as to the amount determined as compensation money, or such other evidence of that amount as they think sufficient, be lodged with them.

33. The amount (if any) of any costs incurred by the Commissioners of Inland Revenue on an appeal from their decision and not otherwise provided for shall be paid by the Compensation Authority to the Commissioners of Inland Revenue out of the compensation fund, and before the shares of the persons entitled to compensation in the compensation money are settled, either by the Compensation Authority at their adjourned Meeting or by the Clerk in accordance with the proportions fixed by the Compensation Authority, a deduction shall be made from the amount of compensation money divisible equal to the amount so to be paid to the Commissioners.

Payment of Compensation Money.

34. As soon as may be after the shares in which the amount of compensation money is to be divided have been settled, the Compensation Authority shall send notice to the persons entitled

to compensation that the compensation money is payable, and fix a day, not less than two weeks nor more than six weeks after the date of the notice, for the payment of the amount of the respective shares in the compensation money.

35. On the day fixed the Compensation Authority shall pay to each person entitled to compensation his share of the compensation money, by sending to him an order on the compensation fund, the payment of which is made conditional on the signature of the form of receipt attached thereto.

36. The Compensation Authority shall, at the same time as they send notice to the persons entitled to compensation of the day fixed for payment of the compensation money, send a similar notice to the Renewal Authority and to the superintendent or other chief officer of police of the district in which the licensed premises in respect of which the compensation is paid are situate.

General Provisions as to Meetings.

37. The Compensation Authority may, if and to such extent as they think fit, require any evidence given before them at any Meeting held under these Rules to be given on oath.

38. Any Meetings required under these Rules to be held by the Compensation Authority may be adjourned from time to time and from place to place, so far as necessary for the final conclusion of the business to be transacted at those Meetings; and the Compensation Authority shall, if the Meeting is adjourned for more than fourteen days, publish notice of the day and time fixed for the adjourned Meeting, and shall send a similar notice to any persons to whom notice of the original Meeting is required by these Rules to be sent, or, if the questions to be decided at the adjourned Meeting affect only the persons entitled to compensation, to those persons.

39. Subject to the provisions of these Rules, the proceedings at any Meeting of the Compensation Authority shall be in accordance with Rules made by that Authority under Sub-section Three of Section Five of the Act.

40. Nothing in these Rules shall prevent the reference of any question to the County Court by the Compensation Authority under Sub-section Three of Section Two of the Act, and where any question is so referred the decision of the County Court thereon shall, for the purposes of these Rules, be treated as the decision of the Compensation Authority.

Provisional Renewal of Licences.

41. Where, under Section One of the Act, the Renewal Authority refer the question of the renewal of a licence to the Compensation Authority, the Renewal Authority shall grant the renewal of the licence in accordance with the terms of the application, but shall insert in the licence a statement as to the renewal of the licence being provisional.

42. If the Compensation Authority refuse the renewal of any licence the renewal of which is provisional, or, in a case where the renewal is provisional in consequence of the reference to the Compensation Authority of the question of the transfer of the licence, refuse the transfer of the licence, the licence shall cease to have effect as from the expiration of the seventh day after the date fixed under these Rules for the payment of the compensation money.

43. Where compensation becomes payable in the case of a licence provisionally renewed, and it appears to the Renewal Authority at the next General Annual Licensing Meeting after the licence has been provisionally renewed that the compensation money has not been paid and is not likely to be paid before the next Fifth day of April, they shall, on a proper application being made for the purpose at that Meeting, grant a further provisional renewal of the licence in accordance with the foregoing Rules.

Provisional Transfer of Licences.

44. Where under Section One of the Act, as applied by Sub-section One of Section Nine, the Justices of a Licensing District refer the question of the transfer of a licence to the Compensation

Authority, those Justices shall grant a transfer of the licence in accordance with the terms of the application, but shall insert in the transfer a statement as to the transfer being provisional.

45. Where the question of a transfer of a licence is so referred to the Compensation Authority, the report of the Justices with respect to the transfer shall be transmitted to the Compensation Authority at the close of the next General Annual Licensing Meeting, and the Compensation Authority shall consider that report together with the reports of Renewal Authorities as to the renewal of licences, and the provisions of these Rules shall apply accordingly:

Provided that—

(1) Any renewal of the licence at the General Annual Licensing Meeting shall, whether the question of the renewal is referred to the Compensation Authority or not, be provisional only, and the provisions of these Rules as to provisional renewal shall apply accordingly; and

(2) If the licence is extinguished by reason of the refusal of the Renewal Authority to renew the licence on grounds on which the power to refuse is reserved to them under the Act, the case shall not be proceeded with; and

(3) The Compensation Authority, in dealing with the question of the transfer, shall have special regard to the circumstance that the Renewal Authority at their General Annual Licensing Meeting have, or have not, referred to them the question of the renewal of the licence.

New Licences.

46. The Confirming Authority on the confirmation of a new on-licence shall, as soon as may be after the licence is confirmed, send a notice to the Commissioners of Inland Revenue containing particulars of the premises in respect of which the new licence is granted, and of the amount of any payments imposed under the conditions attached to the grant of the licence, and of the duration of the licence if the licence is granted for a term.

47. (1) Where the Confirming Authority desire to vary under Sub-section Six of Section Four of the Act any conditions attached to the grant of a new licence, they shall send to the Justices authorised to grant the licence a statement of the variations proposed by them, together with their reasons for the proposed variations.

(2) As soon as may be after the receipt of any such statement the Justices shall hold a Meeting, of which special notice shall be given to each acting Justice, for the purpose of considering and, if they think fit, consenting to the proposed variations.

(3) The Justices shall send notice of their decision with respect to the proposed variations, as soon as may be, to the Confirming Authority.

(4) The consent of the Justices authorised to grant a new licence may be given to the variations proposed by the Confirming Authority at the Meeting at which the variations are proposed, if the Justices authorised to grant the new licence are all members of the Confirming Authority, and a number of those Justices is present equal to the number which would constitute a quorum of those Justices for the purpose of granting a new licence.

Officers.

48. (1) The Clerk of the Peace shall be *ex officio* Clerk to any Committee appointed by Quarter Sessions under or for the purpose of the Act in a County, and in a County Borough the Clerk to the Licensing Justices shall be *ex officio* the Clerk to any Committee appointed by those Justices under or for the purposes of the Act.

(2) Where in the City of London, or in any County Borough, more than one person acts as Clerk to the whole body of Justices, the person who acts as Clerk for the purpose of their Licensing business shall act as Clerk to those Justices for all purposes of the Act.

(3) Anything which under these Rules is authorised or required to be done by the Clerk of the Compensation Authority shall, if done by his deputy duly appointed, be of the same effect for the purposes of these Rules as if it were done by the Clerk.

49. (1) The Compensation Authority shall appoint some person or some Bank to be their Treasurer, and the Treasurer (if not a Bank) shall give to the Compensation Authority such security as they may require.

(2) On the appointment of any person or Bank to be the Treasurer in pursuance of this Rule, the Compensation Authority shall send a notification of the appointment to the Commissioners of Inland Revenue.

50. The Compensation Authority may, with the consent of the Secretary of State, appoint such other officers (if any) as they think necessary for the proper performance of the duties of the Authority.

51. The remuneration of the Clerk and of the Treasurer and any other officers appointed under these Rules shall be such as may be fixed by the Compensation Authority with the consent of the Secretary of State.

Division of Area.

52. Where the Compensation Authority divide their Area into districts for the purposes of the Act, they shall forthwith publish notice of the fact, specifying the districts into which the Area is divided, and shall also send a similar notice to the Secretary of State and to the Commissioners of Inland Revenue.

Committees of Quarter Sessions to be Standing Committees.

53. A Committee appointed by Quarter Sessions under Section Five of the Act shall be deemed to be a Standing Committee of the Quarter Sessions by whom they were appointed, for the period for which they are appointed, or, if no period is fixed, until their successors are appointed, and their jurisdiction and proceedings shall not be affected by the termination of the Sessions at which they were appointed.

Authentication of Documents.

54. Except where special provision is made in pursuance of any Act or under these Rules, any documents shall, for the purposes of the Act, be sufficiently authenticated on behalf of Quarter Sessions, or the Justices of a Licensing District, or any Committee acting under the Act, if purporting to be signed by their Clerk.

Compensation Fund.

55. Where the Compensation Authority determine to impose any charges under Section Three of the Act, they shall publish notice of their determination and of the rate of charge determined upon, and shall also send a similar notice to the Commissioners of Inland Revenue.

56. (1) Where in the case of any licensed premises a rate of charge less than the rate charged in other cases is, on the application of the holder of a licence, authorised by the Justices of a Licensing District under the note contained in the First Schedule to the Act, the Clerk of the Justices shall give a certificate of their decision to the applicant and also send a copy of the certificate to the Commissioners of Inland Revenue and to the Compensation Authority.

(2) Special notice shall be sent by the Clerk of the Justices of a Licensing District to every acting Justice of any Meeting at which any application under the note contained in the First Schedule to the Act is to be considered.

57. All sums received by the Compensation Authority in respect of charges under the Act or from any other source for the payment of compensation shall be paid to the Treasurer of the Compensation Authority and credited by him to the compensation fund.

58. Any fees paid under these Rules to the Clerk of the Compensation Authority for furnishing copies of any document shall be accounted for by him and paid into the compensation fund.

59. Money authorised by the Compensation Authority to be paid out of the compensation fund shall not be paid except on an order signed by two members of the Compensation Authority and by the Treasurer of that Authority or, if the Treasurer is a Bank, the Clerk of that Authority.

60. It shall be the duty of the Compensation Authority to see that any balance, in excess of current requirements, standing to the credit of the compensation fund is placed on deposit at

interest, or invested in any manner authorised by law for investments by trustees, and that the interest thereon is paid to the credit of the compensation fund.

61. (1) It shall be the duty of the Compensation Authority to cause proper accounts to be kept in connection with the compensation fund, and a financial statement to be prepared at the close of each year in the form directed by the Secretary of State.

(2) The accounts shall be made up for each calendar year, or for such other period as the Compensation Authority, with the approval of the Secretary of State, determine.

Audit.

62. (1) The Compensation Authority shall appoint a professional Accountant, approved by the Secretary of State, to be the Auditor of their accounts.

(2) The Auditor may be appointed for a term not exceeding three years, but a retiring Auditor shall be eligible for re-appointment.

(3) The remuneration of the Auditor shall be such as may be fixed by the Compensation Authority with the consent of a Secretary of State.

63. As soon as may be after the close of the year for which the accounts are made up, the Compensation Authority shall submit to the Auditor for examination the detailed accounts, together with the vouchers and authorities for receipts and payments, and shall also submit, for the Auditor's certificate, the annual financial statement required by these Rules.

64. A copy of the financial statement, as certified by the Auditor, shall be sent by the Compensation Authority to the Secretary of State, together with a copy of any report made by the Auditor in regard thereto.

Borrowing by the Compensation Authority.

65. All money borrowed shall be repaid within such period, not exceeding fifteen years, as the Secretary of State shall determine in each case.

66. Every application for the consent of the Secretary of State to the borrowing of money shall state—(*a*) The period for which it is proposed that the loan should run; (*b*) The proposed rate of interest; (*c*) The reasons which in the opinion of the Compensation Authority render the borrowing as proposed advisable; and (*d*) An estimate of the proportion which the annual amount required for the service of the loan will bear to the total annual amount which can be raised under the Act in their area if the maximum charges are imposed.

67. Every loan raised under the Act shall be by way of mortgage of the compensation fund, signed by at least two members of the Compensation Authority and by the Treasurer of that Authority or, if the Treasurer is a Bank, the Clerk of that Authority.

68. The Compensation Authority shall provide for the repayment of every loan either by equal yearly or half-yearly instalments of principal or of principal and interest combined, or by means of a sinking fund established in accordance with these Rules.

69. Where a loan is to be repaid by means of a sinking fund the Compensation Authority shall establish a sinking fund as follows:—

(1) Such equal yearly or half-yearly sums shall be paid into the sinking fund in each year as, being accumulated at compound interest, will, in the opinion of the Secretary of State, at the expiration of some period not longer than the period for which the loan is authorised, be sufficient, after payment of all expenses, to discharge the loan; and

(2) The first of such payments shall be made within one year from the date of the loan;

(3) All sums paid into the sinking fund shall, as soon as may be, be invested by the Compensation Authority in securities in which trustees are for the time being by law authorised to invest, and any investments made in pursuance of this provision may from time to time be varied or transposed; and all dividends and other

annual sums received in respect of any investments shall, as soon as may be after they are received, be paid into the sinking fund and invested by the Compensation Authority in like manner ; and

(4) The Compensation Authority may from time to time apply the sinking fund, or any part thereof, in or towards the discharge of the loan for which it was created, and until that loan is discharged shall not apply the sinking fund, or any part thereof, for any other purpose ; and

(5) Any surplus of the sinking fund remaining after the discharge of the loan for which it was created shall be paid into some other sinking fund under the control of the Compensation Authority, or, if there is no such other sinking fund, into the compensation fund ;

(6) Where any part of the sinking fund is employed in paying off any part of the loan before the period for which the loan is authorised, the interest which would otherwise be payable on that part of the loan shall be paid into the sinking fund and invested as hereinbefore provided.

70. If it appears to the Secretary of State that the Compensation Authority have failed to comply with the provisions of these Rules with respect to the sinking fund, he may, if he thinks fit, after hearing the Compensation Authority, if they desire to be heard, by order direct the Compensation Authority to remedy the default, and the Compensation Authority shall comply with any order so made.

71. (1) Where a Compensation Authority makes default for a period of one month in paying an amount of not less than Fifty Pounds (whether in one sum or separate sums) for the time being due in respect of any loan raised under the Act, the persons entitled to the said amount, or any of those persons, may, without prejudice to any other remedy, apply to the County Court of the district in which the office of the Treasurer of the Compensation Authority is situated for the appointment of a Receiver ; and any Receiver so appointed (subject to any direction

which may be given by the Court) shall, as occasion requires, pay out of the compensation fund any sum the payment of which is so in default, together with all sums due while he is Receiver of or in respect of any such loan, and all costs, charges, and expenses incurred in or about the appointment of such Receiver, and the execution of his duties under this Rule, including a proper remuneration for his trouble, and for that purpose may raise such sums as are necessary by means of charges under Section Three of the Act.

(2) The Receiver shall have the same power (to be exercised subject to and in accordance with the provisions of these Rules) as the defaulting Compensation Authority have of imposing charges under Section Three of the Act for the purpose of raising any money which he is required by this Rule to pay, and shall have such access to and use of the documents of the defaulting Authority relative to the charges as he may require.

(3) The County Court may remove the Receiver and appoint another in his stead, and make such orders and give such directions as to the powers and duties of the Receiver, and otherwise as to the disposal of the moneys received by him, as may be thought fit for carrying this Rule into effect.

A. AKERS-DOUGLAS,

One of His Majesty's Principal Secretaries of State.

Home Office,
December 20th, 1904.

SCHEDULE.

FORMS.

FORM No. 1.

THE LICENSING ACT, 1904.

LIST OF LICENCES REFERRED BY THE RENEWAL AUTHORITY.

Licensing District of

To the Compensation Authority for the above Area.

At the General Annual Licensing Meeting holden at on the day of for the above-named Licensing District we, being the Renewal Authority for the said District, decided to refer to you, under Section One of The Licensing Act, 1904, the question of the renewal of the licences held in respect of the premises specified below:—

Name and Situation of Premises.	Nature of Licence.	Licensee.	Registered Owners.

REPORT.

In connection with the question so referred, we report as follows:—

[*Signed on behalf of the Renewal Authority*]

Clerk of the Renewal Authority.

Dated

FORM No. 2.

THE LICENSING ACT, 1904.

NOTICE OF PRELIMINARY MEETING.

County [*or* County Borough] of

To the Renewal Authority of the Licensing District of

NOTICE IS HEREBY GIVEN that the Preliminary Meeting to be held pursuant to The Licensing Rules, 1904, by the Compensation Authority for the above Area will be held at on the day of .[1]

Your attention is called to Rule 11 of The Licensing Rules, 1904.

[*Signed*]

Clerk of the Compensation Authority.

Dated

[1] This must be a day not less than seven days after the date of the notice, and earlier than the last day of May.

FORM No. 3.

THE LICENSING ACT, 1904.

NOTICE OF DECISION AT PRELIMINARY MEETING NOT TO PROCEED WITH ANY CASE.

County [*or* County Borough] of

To the Renewal Authority of the Licensing District of [or *To A. B., the licensee* [or *the registered owner*] *of the premises known and specified in the subjoined List.*]

NOTICE IS HEREBY GIVEN that at their Preliminary Meeting held on the day of the Compensation Authority for the above Area decided not to proceed upon the report of the Renewal Authority so far as regards the licences [*or* licence] of the licensed premises specified in the subjoined List, and in consequence no further proceedings will now be taken by the Compensation Authority in respect of the licences [*or* licence] of those premises.

LIST OF PREMISES.

Name and Situation of Premises.	Nature of Licence.	Licensee.	Registered Owners.

[*Signed*]

Clerk of the Compensation Authority.

Dated

FORM No. 4.

A.—*Form of Public Notice.*

THE LICENSING ACT, 1904.

NOTICE OF PRINCIPAL MEETING.

County [*or* County Borough] of

NOTICE IS HEREBY GIVEN that the Principal Meeting to be held pursuant to The Licensing Rules, 1904, by the Compensation Authority for the above Area will be held at on the day of .[1]

AND NOTICE IS HEREBY ALSO GIVEN that the Compensation Authority will at the Meeting be prepared to hear, with reference to the renewal of the licences of the several premises specified in the subjoined List, all those persons to whom, under The Licensing Act, 1904, they are bound to give an opportunity of being heard: that is to say, the persons interested in any licensed premises in question, and, unless it appears to the Compensation Authority unnecessary, any other persons appearing to them to be interested in the question of the renewal of the licence of those premises (including the Justices of the Licensing District).

LIST OF LICENSED PREMISES.

Name and Situation of Premises.	Nature of Licence.	Licensee.

[*Signed*]

Clerk of the Compensation Authority.

Dated

[1] This must be a day not less than fourteen days after the date of the notice.

FORM No. 4.

B.—*Form of Notice to Special Persons and Authorities.*

THE LICENSING ACT, 1904.

NOTICE OF PRINCIPAL MEETING.

County [*or* County Borough] of

To A. B., the licensee [or *the registered owner*] *of the premises known as , and specified in the subjoined List.*

[Or *To the Renewal Authority for the Licensing District of*]

NOTICE IS HEREBY GIVEN that the Principal Meeting to be held pursuant to The Licensing Rules, 1904, by the Compensation Authority for the above Area will be held at on the day of .[1]

AND NOTICE IS HEREBY ALSO GIVEN that the Compensation Authority will at the Meeting be prepared to hear, with reference to the renewal of the licences of the several premises specified in the subjoined List, all those persons to whom under the Act they are bound to give an opportunity of being heard: that is to say, the persons interested in any licensed premises in question, and, unless it appears to the Compensation Authority unnecessary, any other persons appearing to them to be interested in the question of the renewal of the licence of those premises (including the Justices of the Licensing District).

[Your attention is also called to Rule 20 of The Licensing Rules, 1904.[2]]

[It will be noticed that the Renewal Authority are entitled to be heard at this Meeting.[3]]

LIST OF LICENSED PREMISES.

Name and Situation of Premises.	Nature of Licence.	Licensee.

[*Signed*]

Clerk of the Compensation Authority.

Dated

[1] This must be a day not less than fourteen days after the date of the notice.

[2] To be added when the notice is sent to the licensee or registered owner.

[3] To be added when the notice is sent to the Renewal Authority.

FORM No. 5.

THE LICENSING ACT, 1904.

NOTICE AS TO DECISION AT PRINCIPAL MEETING.

County [*or* County Borough] of

To A. B., the licensee [or *the registered owner*] *of the premises specified below.*

[Or *To the Renewal Authority for the Licensing District of*]

[Or *To the Commissioners of Inland Revenue.*[1]]

NOTICE IS HEREBY GIVEN that the Compensation Authority for the above Area, at their Principal Meeting held on the day of [and the day of] decided, in pursuance of their powers under the above Act, to refuse [*or* not to refuse] the renewal of the licence of the premises specified below.

[The Compensation becomes therefore payable, and your attention is called to Rules 20 to 36 of The Licensing Rules, 1904.[2]]

THE PREMISES ABOVE REFERRED TO.

Name and Situation of Premises.	Nature of Licence.	Licensee.	Registered Owners.

[*Signed*]

Clerk of the Compensation Authority.

Dated

[1] Only where the renewal of a licence has been refused.

[2] To be added where the renewal of the licence is refused, and the notice is sent to the licensee or registered owner.

FORM No. 6.

THE LICENSING ACT, 1904.

Notice as to sending in Claims to be treated as Persons interested in Licensed Premises.

County [*or* County Borough] of

Notice is hereby Given that the Compensation Authority for the above Area, having decided at their Principal Meeting held on the day of [and the day of] to refuse the renewal of the licence of the premises specified below, all persons claiming to be interested in the said premises for the purpose of the payment of compensation under the said Act (other than the licensee and the registered owner of the said premises) are required to send to the Compensation Authority notice of their claims before the day of [1] for the purpose of enabling the Compensation Authority to ascertain, in manner provided by The Licensing Rules, 1904, the persons entitled to compensation under the said Act in respect of the said premises.

Notice of claims must be given in the form annexed, and may be sent to the Clerk of the Compensation Authority at his office at

Licensed Premises.

Name and Situation of Premises.	Nature of Licence.	Licensee.	Registered Owners.

[*Signed*]

Clerk of the Compensation Authority.

Dated

[1] This must be a day twenty-one days after the date of the publication of the notice.

FORM No. 7.

THE LICENSING ACT, 1904.

NOTICE OF CLAIM TO BE TREATED AS A PERSON INTERESTED IN LICENSED PREMISES.

County [*or* County Borough] of

To the Compensation Authority for the above Area.

NOTICE IS HEREBY GIVEN that I, A. B., of , claim to be interested for the purpose of the payment of compensation under The Licensing Act, 1904, in the licensed premises known as and specified below.

The particulars of my claim are as follows:—

[*The claimant must give full particulars of his claim, and specify any instrument or document on which he relies.*]

LICENSED PREMISES IN RESPECT OF WHICH THE CLAIM IS MADE.

Name and Situation of Premises.	Nature of Licence.	Licensee.	Registered Owners.

Dated

[*Signature of Claimant.*]

FORM No. 8.

THE LICENSING ACT, 1904.

Notice of Supplemental Meeting to consider Claims.

County [*or* County Borough] of

To A. B., the licensee of [or *the registered owner of*] [or *a person having made a claim to be treated as a person interested for the purpose of the payment of compensation under The Licensing Act, 1904, in*] *the premises known as and specified below.*

Notice is hereby Given that claims of persons claiming to be treated as persons interested in the above licensed premises for the purpose of the payment of compensation under The Licensing Act, 1904, have been made in respect of those premises, as shown below, and that the Compensation Authority for the above Area will hold a Meeting on the day of [1] in pursuance of The Licensing Rules, 1904, for the purpose of considering those claims and of determining who are the persons entitled to compensation.

[*If it is intended on the same day to hold a further Meeting for considering the question of approving any amount agreed as compensation money, and for settling the shares in the compensation money, add:* And Notice is further hereby Given that at the close of that Meeting the Compensation Authority will hold a further Meeting for considering whether, if a proper agreement as to the sum to be submitted to the Compensation Authority for their approval as the amount of the compensation money is lodged with them, their approval shall be given to that sum, and further for settling the shares, or fixing the proportions, in which the compensation money is to be divided among the persons entitled to compensation.

Any agreement as to the sum to be submitted to the Compensation Authority for their approval as the amount of compensation money must be in the form prescribed by The Licensing Rules, 1904, and must be lodged with the Compensation Authority either at the Meeting or previously.]

You should attend the Meeting if you desire to state your views in relation to these matters, or any of them, to the Compensation Authority.

Licensed Premises in respect of which Claims have been Received.

Name and Situation of Premises.	Nature of Licence.	Name and Address of Licensee.	Names and Addresses of Registered Owners.	Names and Addresses of Claimants.

[*Signed*]

Clerk of the Compensation Authority.

Dated

[1] This must be a day not less than seven days after the date of the notice.

FORM No. 9.

THE LICENSING ACT, 1904.

NOTICE OF SUPPLEMENTAL MEETING TO SETTLE SHARES IN THE COMPENSATION MONEY.

County [*or* County Borough] of

To A. B., of , a person entitled to compensation under The Licensing Act, 1904, in the licensed premises known as and specified below.

TAKE NOTICE that a Meeting of the Compensation Authority for the above Area will be held at on the day of [1] for the purpose of considering whether, if a proper agreement as to the sum to be submitted to the Compensation Authority for their approval as the amount of compensation money in respect of the said premises is lodged with them, their approval shall be given to that sum, and further for the purpose of settling the shares, or fixing the proportions, in which the said compensation money is to be divided among the persons specified below.

Any agreement as to the sum to be submitted to the Compensation Authority for their approval as the amount of compensation money must be in the form prescribed by The Licensing Rules, 1904, and must be lodged with the Compensation Authority at the Meeting or previously.

You should attend the Meeting if you desire to state your views in relation to these matters, or any of them, to the Compensation Authority.

LICENSED PREMISES ABOVE REFERRED TO.

Name and Situation of Premises.	Nature of Licence.	Names and Registered Addresses of Persons entitled to Compensation.

[*Signed*]

Clerk of the Compensation Authority.

Dated

[1] This must be a day not less than seven days after the date of the notice.

FORM No. 10.

THE LICENSING ACT, 1904.

AGREEMENT AS TO THE SUM TO BE SUBMITTED TO THE COMPENSATION AUTHORITY FOR THEIR APPROVAL AS THE AMOUNT OF COMPENSATION MONEY.

County [*or* County Borough] of

WE, whose names are subscribed hereto, being the several persons entitled to compensation under The Licensing Act, 1904, and the Rules made under that Act, in respect of the licensed premises specified below, have agreed that the sum of should be submitted to the Compensation Authority for their approval as the compensation money to be paid in respect of the said premises.

LICENSED PREMISES ABOVE REFERRED TO.

Name and Situation of Premises.	Nature of Licence.	Names and Addresses of Persons entitled to Compensation.

[*Signatures of the persons interested or of their agents.*]

Dated

FORM No. 11.

THE LICENSING ACT, 1904.

NOTICE TO THE COMMISSIONERS OF INLAND REVENUE THAT THE AMOUNT OF THE COMPENSATION MONEY REMAINS TO BE DETERMINED BY THEM.

County [*or* County Borough] of

To the Commissioners of Inland Revenue.

WE beg to acquaint you that in default of the agreement and approval mentioned in Sub-section Two of Section Two of The Licensing Act, 1904, the amount to be paid under the Act as compensation in respect of the premises specified below remains to be determined by you.

The names and addresses of the persons entitled to compensation are stated below.

LICENSED PREMISES ABOVE REFERRED TO.

PERSONS ENTITLED TO COMPENSATION.

Name.	Address.

[*Signed on behalf of the Compensation Authority*]

Clerk of the Compensation Authority.

Dated

FORM No. 12.

THE LICENSING ACT, 1904.

NOTICE OF DATE FOR PAYMENT OF COMPENSATION MONEY.

County [*or* County Borough] of

To A. B., a person entitled to compensation under The Licensing Act, 1904, in respect of the premises specified below.

[Or *To the Renewal Authority for the Licensing District of*]

[Or *To the Superintendent* [or *Chief Officer*] *of Police of the District of*]

NOTICE IS HEREBY GIVEN that compensation under The Licensing Act, 1904, in respect of the licensed premises specified below has now become payable, and that the respective shares in the compensation money of the persons entitled to compensation in respect of the said premises will be paid to them on the day of ,[1] and that the licence provisionally renewed in respect of the said premises will therefore expire on the day of .[2]

LICENSED PREMISES ABOVE REFERRED TO.

Name and Situation of Premises.	Nature of Licence.	Names and Addresses of Persons entitled to Compensation.

[*Signed*]

Clerk of the Compensation Authority.

Dated

[1] This must be a day not less than two weeks nor more than six weeks after the date of the notice.

[2] The seventh day after the date fixed for payment.

FORM No. 13.

THE LICENSING ACT, 1904.

ORDER FOR PAYMENT OUT OF THE COMPENSATION FUND.

County [*or* Borough] of

Order No.

SIR,

The Bank, Branch, has been authorised to pay to you the sum of Pounds Shillings and Pence, being [*as the case may be*].

Payment will be made on presentation of this notification with the form of receipt hereunder duly signed by you.

This Document must be presented through a Bank.

[*Signed*]

Two of the Members of the Compensation Authority for the above Area.

Treasurer [or *Clerk*] *of the Compensation Authority.*

To

Dated

RECEIPT FOR AMOUNT PAID.

(*Not to be detached.*)

I acknowledge to have received the above amount.

Signature and Stamp.

STAMP.

£ : :

FORM No. 14.

THE LICENSING ACT, 1904.

NOTICE OF ADJOURNED MEETING.

County [*or* County Borough] of

To

NOTICE IS HEREBY GIVEN that the[1] Meeting of the Compensation Authority for the above Area which was adjourned on the day of and the day of will be continued at on the day of .[2]

[*Signed*]

Clerk of the Compensation Authority.

Dated

[1] Specify the nature of the Meeting.

[2] Notice of an adjournment need not be given unless the Meeting is adjourned for more than fourteen days.

FORM No. 15.

STATEMENT TO BE INSERTED IN A LICENCE PROVISIONALLY RENEWED.

NOTE.—This licence is granted provisionally, pursuant to The Licensing Act, 1904, and the Rules made under that Act.

If the Compensation Authority to whom the question of the renewal[1] [*or* transfer] of the licence of the above-mentioned premises has been referred under that Act refuse the renewal[1] [*or* transfer] of the licence, the licence will cease to have effect, if then in force, as from the expiration of the seventh day after the date, to be subsequently fixed in pursuance of those Rules, for the payment of compensation.

[1] To meet cases where the renewal is provisional in consequence of the reference of a question of transfer.

FORM No. 16.

STATEMENT TO BE INSERTED IN A LICENCE FURTHER PROVISIONALLY RENEWED.

NOTE.—This licence is granted provisionally, pursuant to The Licensing Act, 1904, and the Rules made under that Act, and inasmuch as the Compensation Authority to whom the question of the renewal[1] [*or* transfer] of the licence of the above-mentioned premises was referred under the Act have refused the renewal[1] [*or* transfer] of the licence, the licence will cease to have effect as from the expiration of the seventh day after the date to be subsequently fixed in pursuance of those Rules for the payment of compensation.

[1] To meet cases where the renewal is provisional in consequence of the reference of a question of transfer.

FORM No. 17.

STATEMENT TO BE INSERTED IN A PROVISIONAL TRANSFER.

NOTE.—This transfer is granted provisionally, pursuant to The Licensing Act, 1904, and the Rules made under that Act, and is conditional on the decision of the Compensation Authority with respect thereto. If a renewal of the licence is granted at the next General Annual Licensing Meeting that renewal will also be provisional in pursuance of those Rules.

FORM No. 18.

THE LICENSING ACT, 1904.

LICENCES THE QUESTION OF THE TRANSFER OF WHICH IS REFERRED TO THE COMPENSATION AUTHORITY.

Licensing District of

To the Compensation Authority for the above District.

AT the Sessions holden at on the day of , 19 , for the above-named Licensing District, the Justices decided to refer to you, under Section One, as applied by Sub-section One of Section Nine of The Licensing Act, 1904, the question of the transfer of the licence held in respect of the premises specified below.

Name and Situation of Premises.	Nature of Licence.	Licensee.	Registered Owners.

REPORT.

In connection with the above, the Justices desire to report as follows:—

[*Signed*]

Clerk to the Licensing Justices.

[*The Clerk will add a note stating, as respects any licence comprised in the List, whether the renewal of the licence has been referred to the Compensation Authority as well as the question of the transfer.*]

FORM No. 19.

THE LICENSING ACT, 1904.

Particulars with respect to New Licences.

County [*or* Borough] of

To the Commissioners of Inland Revenue.

We beg to forward to you the following particulars as to the grant of a new on-licence in respect of the premises specified below, confirmed by us as the Confirming Authority for the above Area, on the day of

Premises above referred to.

Particulars of Payments imposed.

Duration of Licence.

[*Signed on behalf the Confirming Authority*]

Clerk of the Confirming Authority.

Dated

FORM No. 20 (A).

THE LICENSING ACT, 1904.

STATEMENT OF VARIATIONS IN CONDITIONS PROPOSED BY THE CONFIRMING AUTHORITY.

County [*or* Borough] of

To the Justices authorised to grant new licences in the Licensing District of

NOTICE IS HEREBY GIVEN that the Confirming Authority for the above Area desire that the conditions attached by you to the licence granted in respect of the premises specified below should be varied as follows:—

The reasons for the proposed variations are as follows:—

THE PREMISES ABOVE REFERRED TO.

Name and Situation of Premises.	Nature of Licence.	Name and Address of Proposed Licensee.

[*Signed*]

Clerk of the Confirming Authority.

Dated

FORM No. 20 (B).

THE LICENSING ACT, 1904.

NOTICE OF MEETING TO CONSIDER VARIATIONS IN CONDITIONS PROPOSED BY THE CONFIRMING AUTHORITY.

Licensing District of

To A. B., one of the Justices having power to grant new licences in the above District.

NOTICE IS HEREBY GIVEN that a Meeting of the Justices having power to grant new licences in the above District will be held at on the day of for the purpose of considering and, if thought fit, consenting to the variations proposed by the Confirming Authority in the conditions attached to the licence granted in respect of the premises specified below.

THE PREMISES ABOVE REFERRED TO.

Name and Situation of Premises.	Nature of Licence.	Name and Address of Proposed Licensee.

The following is a copy of the variations so proposed and of the reasons given:—

[*Signed*]

Clerk of the Justices.

Dated

FORM No. 20 (C).

THE LICENSING ACT, 1904.

NOTICE TO CONFIRMING AUTHORITY OF DECISION OF JUSTICES HAVING POWER TO GRANT NEW LICENCES AS TO PROPOSED VARIATIONS IN CONDITIONS.

Licensing District of

To the Confirming Authority for the County [or *Borough*] *of*

NOTICE IS HEREBY GIVEN that the Justices having power to grant new licences in the above District, at a Meeting held on the day of , decided with respect to the variations proposed by you as Confirming Authority in the conditions attached to the licence granted in respect of the premises specified below as follows:—

THE PREMISES ABOVE REFERRED TO.

Name and Situation of Premises.	Nature of Licence.	Name and Address of Proposed Licensee.

[*Signed*]

Clerk of the Justices.

Dated

FORM No. 21.

A.—*Form of Public Notice.*

THE LICENSING ACT, 1904.

NOTICE OF DIVISION OF AREA.

County [*or* County Borough] of

NOTICE IS HEREBY GIVEN that the Compensation Authority for the above Area have by resolution divided their Area for the purpose of The Licensing Act, 1904, into the following Districts: that is to say [*give particulars of the composition of the Districts*].

[*Signed*]

Clerk of the Compensation Authority.

Dated

B.—*Form of Notice to Special Authorities.*

THE LICENSING ACT, 1904.

NOTICE OF DIVISION OF AREA.

County [*or* County Borough] of

To the Home Secretary [or *To the Commissioners of Inland Revenue*].

WE beg to inform you that [&c. *as in Form A*].

[*Signed on behalf of the Compensation Authority*]

Clerk of the Compensation Authority.

Dated

FORM No. 22.

A.—*Form of Public Notice.*

THE LICENSING ACT, 1904.

NOTICE OF IMPOSITION OF CHARGES UNDER SECTION THREE OF THE ACT.

County [*or* County Borough] of

NOTICE IS HEREBY GIVEN that the Compensation Authority for the above Area have imposed, under Section Three of The Licensing Act, 1904, for the year charges in respect of licences at the following rate [*state the proportion which the rate imposed bears to the maximum rate of charge under the Act*], and charges on the premises affected will be levied and paid accordingly as part of the duties on the corresponding excise licences.

[*Signed*]

Clerk of the Compensation Authority.

Dated

B.—*Form of Notice to the Commissioners of Inland Revenue.*

THE LICENSING ACT, 1904.

NOTICE OF IMPOSITION OF CHARGES UNDER SECTION THREE OF THE ACT.

County [*or* County Borough] of

To the Commissioners of Inland Revenue.

WE beg to inform you that we, as the Compensation Authority for the above Area, have imposed, under Section Three of The Licensing Act, 1904, for the year charges in respect of licences at the following rate [*state the proportion which the rate imposed bears to the maximum rate of charge under the Act*].

[*Signed on behalf of the Compensation Authority*]

Clerk of the Compensation Authority.

Dated

FORM No. 23.

THE LICENSING ACT, 1904.

NOTICE OF APPOINTMENT OF TREASURER.

County [*or* County Borough] of

To the Commissioners of Inland Revenue.

WE beg to inform you that we, as the Compensation Authority for the above Area, have appointed , of , to be our Treasurer for the purposes of The Licensing Act, 1904.

[*Signed on behalf of the Compensation Authority*]

Clerk of the Compensation Authority.

Dated

FORM No. 24.

THE LICENSING ACT, 1904.

NOTICE OF MEETING TO CONSIDER APPLICATION UNDER THE NOTE TO THE FIRST SCHEDULE OF THE ACT.

Licensing District of

To A. B., one of the Justices acting in and for the above District.

NOTICE IS HEREBY GIVEN that a Meeting of the Licensing Justices of the above District will be held at on the day of for the purpose of considering an application for a Certificate under the Note to the First Schedule of The Licensing Act, 1904, in respect of the licensed premises specified below.

LICENSED PREMISES ABOVE REFERRED TO.

Name, Situation, and Description of Premises.	Name of Licensee.

[*Signed*]

Clerk of the Justices.

Dated

FORM No. 25.

THE LICENSING ACT, 1904.

CERTIFICATE OF LICENSING JUSTICES UNDER THE NOTE TO THE FIRST SCHEDULE OF THE ACT.

Licensing District of

WE, being the Licensing Justices of the above District, hereby certify that the licensed premises specified below are used only as [*state whether* public gardens, picture galleries, *or as the case may be*], and we are of opinion that [*state the proportion to be charged*] of the rate charged in other cases is the proper rate of charge under The Licensing Act, 1904, in respect of the said premises.

LICENSED PREMISES ABOVE REFERRED TO.

Name, Situation, and Description of Premises.	Name of Licensee.

[*Signed*]

Clerk of the Justices.

Dated

FORM No. 26 (A).

MORTGAGE OF COMPENSATION FUND.

WHERE PROVISION IS MADE FOR REPAYMENT BY MEANS OF A SINKING FUND.

BY virtue of The Licensing Act, 1904, we, being the Compensation Authority for the County [*or* County Borough] of , in consideration of the sum of paid to us by A. B., of , hereby charge our compensation fund under the said Act with payment to the said A. B. of the said sum of , together with interest for the same at the rate of per cent. per annum, the interest to be paid on the day of &c. [*specify the days for payment*] in each year.

And it is hereby declared that the said principal sum is repayable on the day of in the year 190 .

Provided that the said principal sum, or any part thereof, may, notwithstanding anything herein contained, be paid off at any earlier time which may be agreed upon by us and the said A. B.

FORM No. 26 (B).

WHERE THE LOAN IS TO BE REPAID BY MEANS OF INSTALMENTS OF CAPITAL.

BY virtue of The Licensing Act, 1904, we, being the Compensation Authority for the County [*or* County Borough] of , in consideration of the sum of paid to us by A. B., of , hereby charge our compensation fund under the said Act with the payment to the said A. B. of the said sum of or of so much thereof as shall for the time being remain unpaid, together with interest for the same at the rate of per cent. per annum, the interest to be paid on the day of &c. [*specify the days for payment*] in each year.

And it is hereby declared that the said principal sum of shall be repaid by equal yearly [*or* half-yearly] instalments of in each of the years 19 to 19 , both inclusive, such sums to be paid on the day of [and the day of] in each of those years.

FORM No. 26 (C).

MORTGAGE OF COMPENSATION FUND.

WHERE THE LOAN IS TO BE REPAID BY MEANS OF INSTALMENTS OF CAPITAL AND INTEREST COMBINED.

BY virtue of The Licensing Act, 1904, we, being the Compensation Authority for the County [*or* County Borough] of , in consideration of the sum of paid to us by A. B., of , hereby charge our compensation fund under the said Act with payment to the said A. B. in each of the years 19 to 19 , both inclusive, of the sum of £ on the day of in each of those years [or, *if the instalments are half-yearly*, with the payment of the sum of £ on the day of and the day of in each of the years 19 to 19 , both inclusive].

Signatures to be attached to whichever of the three Forms A, B, or C is used.

Dated this day of One Thousand Nine Hundred and

[*Signatures of two Justices, and of the Treasurer, or where the Treasurer is a Bank the Clerk of the Authority.*]

APPENDIX.

THE ALEHOUSE ACT, 1828.

(9 George IV., Chapter 61.)

An Act to regulate the granting of Licences to Keepers of Inns, Alehouses, and Victualling Houses in *England*. [15th July, 1828.

PREAMBLE.—*Repealed.*

1. In every division of every county and riding, and of every division of the County of Lincoln, and in every hundred of every county, not being within any such division, and in every liberty, division of every liberty, county of a city, county of a town, city, and town corporate, in that part of the United Kingdom called England, there shall be annually holden a special session of the justices of the peace (to be called the general annual licensing meeting), for the purpose of granting licences to persons keeping or being about to keep inns, alehouses, and victualling houses, to sell exciseable liquors by retail, to be drunk or consumed on the premises therein specified; . . . . [See now The Licensing Act, 1892, Section 14], and that it shall be lawful for the justices acting in and for such county or place assembled at such meeting, or at any adjournment thereof, and not as hereinafter disqualified from acting, to grant licences, for the purposes aforesaid, to such persons as they the said justices shall, in the execution of the powers herein contained, and in the exercise of their discretion, deem fit and proper.

Time and Place, how to be Appointed.—Notice of Meetings to be Given.

2. In every such division or place as aforesaid there shall be holden, twenty-one days at the least before each such general annual licensing meeting, a petty session of the justices acting for such county or place, the majority of whom then present shall, by a precept under their hands, appoint the day, hour, and place upon and in which such general annual licensing meeting for such division or place shall be holden; and shall direct such precept to the high constable of the division or place for which such meeting is to be holden, requiring him, within five days next ensuing that on which he shall have received such precept, to order the several petty constables or other peace officers within his constablewick to affix or cause to be affixed on the door of the church or chapel, and where there shall be no church or chapel, on some other public and conspicuous place within their respective districts, a notice of the day, hour, and place at which such meeting is appointed to be holden, and to give to or to leave at the dwelling house of each and every justice acting for such division or place, and of each and every person keeping an inn, or who shall have given notice of his intention to keep an inn, and to apply for a licence to sell exciseable liquors by retail, to be drunk or consumed on the premises, within their respective districts, a copy of such notice.[1]

[1] The Justices' precept is now to be directed to the Clerk to the Justices (High Constables Act, 1869, 32 & 33 Vict. c. 47, Sections 1 and 3).

Adjournment of Meetings.

3. It shall be lawful for the justices acting at the general annual licensing meeting, and they are hereby required to continue such meeting by adjournment, to such day or days, and to such place or places within the division or place for which such meeting shall be holden as such justices may deem most convenient and sufficient for enabling persons keeping inns within such division or place to apply for such licence: Provided, nevertheless, that the adjourned meeting to be holden next after such general annual licensing meeting shall not be so holden in or upon any of the five days next ensuing that on which such general annual licensing meeting shall have been holden as aforesaid.[1]

Special Sessions for Transferring Licences to be Appointed.

4. The justices assembled . . . . at the general annual licensing meeting in every . . . . year shall appoint not less than four nor more than eight special sessions, to be holden in the division or place for which each such meeting shall be holden, in the year next ensuing such general annual licensing meeting, at periods as near as may be equally distant; at which special session it shall be lawful for the justices then and there assembled, in the cases and in the manner and for the time hereinafter directed, to licence such persons intending to keep inns theretofore kept by other persons being about to remove from such inns, as they the said justices shall, in the execution of the powers herein contained, and in the exercise of their discretion, deem fit and proper persons, under the provisions hereinafter enacted, to be licensed to sell exciseable liquors by retail, to be drunk or consumed on the premises.

Notice to be Given of the Adjournment of the General Annual Licensing Meeting and Special Sessions.

5. Whenever the justices shall have ordered any such adjournment of the general annual licensing meeting, or shall have appointed such special sessions as aforesaid, the day, hour, and place for holding every such adjourned meeting, and every such special session, shall be appointed by precept of the majority of the said justices, directed to the high constable, requiring notices, similar in form to those given at the general annual licensing meeting, to be affixed on the door of the church or chapel, or on some other public and conspicuous place, and to be served upon the same parties.[2]

Questions respecting Licences to be determined, and Licences to be signed, by the majority of Justices at the Meeting.

9. That when (at any of the meetings aforesaid) any question touching the granting, withholding, or transferring any licence, or the fitness of the person applying for such licence, or of the house intended to be kept by such person, shall arise, such question shall be determined by the majority of justices, not disqualified, who shall be present when such question shall arise; and every licence granted under the authority of this Act shall be signed by the majority of the justices, not disqualified, who shall be present when such licence shall be granted.

Any Person hindered from Attending any Licensing Meeting by Sickness may authorise another Person to attend for him.

12. If any person intending to apply at the general annual licensing meeting, or at any adjournment thereof, or at any special session, for any licence to be granted under the authority of this Act, or for the transfer of any such licence,

[1] The last portion of the Section is now repealed by Section 33 of The Licensing Act, 1902.

[2] Section 6 is repealed; Section 7 deals with the jurisdiction of County Justices in towns in certain cases; and Section 8 with the Cinque Ports. See p. 82.

shall be hindered by sickness or infirmity, or by any other reasonable cause, from attending in person at any such meeting, it shall be lawful for the justices there assembled to grant or transfer such licence to such person so hindered from attending, and to deliver the same to any person then present who shall be duly authorised by the person so hindered from attending to receive the same, proof being adduced to the satisfaction of such justices, who are hereby empowered to examine upon oath into the matter of such allegation, that such person is hindered from attending by good and sufficient cause.

Form of Licence.

13. Every licence which shall be granted under the authority of this Act . . . . shall be in force . . . . from the Fifth day of April . . . . after the granting thereof, for one whole year thence respectively next ensuing, and no longer; and every licence for the purposes aforesaid, which shall be granted at any other time or place . . . . except as hereinafter excepted, shall not entitle any person to obtain an excise licence for selling exciseable liquors by retail, to be drunk or consumed on the premises of the person licensed, and shall be utterly void to all intents and purposes.[1]

Provision for Death, Change of Occupancy, or other Contingency.—Duration of Licence granted in event of such Contingency.—Notices required.

14. If any person duly licensed under this Act shall (before the expiration of such licence) die, or shall be, by sickness or other infirmity, rendered incapable of keeping an inn, or shall become bankrupt, or shall take the benefit of any Act for the relief of insolvent debtors; or if any person so licensed, or the heirs, executors, administrators, or assigns of any person so licensed, shall remove from or yield up the possession of the house specified in such licence; or if the occupier of any such house, being about to quit the same, shall have wilfully omitted, or shall have neglected to apply, at the general annual licensing meeting, or at any adjournment thereof, for a licence to continue to sell exciseable liquors by retail, to be drunk or consumed in such house; or if any house, being kept as an inn by any person duly licensed as aforesaid, shall be or be about to be pulled down or occupied under the provisions of any Act for the improvement of the highways, or for any other public purpose; or shall be, by fire, tempest, or other unforeseen and unavoidable calamity, rendered unfit for the reception of travellers, and for the other legal purposes of an inn; it shall be lawful for the justices assembled as aforesaid at a special session, holden under the authority of this Act, for the division or place in which the house so kept or having been kept shall be situate, in any one of the above-mentioned cases, and in such cases only, to grant to the heirs, executors, or administrators of the person so dying, or to the assigns of such person becoming incapable of keeping an inn, or to the assignee or assignees of such bankrupt or insolvent, or to any new tenant or occupier of any house having so become unoccupied, or to any person to whom such heirs, executors, administrators, or assigns shall by sale or otherwise have *bonâ fide* conveyed or otherwise made over his or their interest in the occupation and keeping of such house, a licence to sell exciseable liquors by retail, to be drunk or consumed in such house, or the premises thereunto belonging; or to grant to the person whose house shall as aforesaid have been or shall be about to be pulled down or occupied for the improvement of the highways, or for any other public purpose, or have become unfit for the reception of travellers, or for the other legal purposes of an inn, and who shall open and keep as an inn some other fit and convenient house, a licence to sell exciseable liquors by retail, to be drunk or consumed therein: Provided always, that every such licence

[1] For portions repealed see now Licensing Act, 1902, Section 33.

shall continue in force only from the day on which it shall be granted until the Fifth day of April . . . . then next ensuing . . . . Provided also, that every person intending to apply, in any of the above-mentioned cases, at any such special session for a licence to sell exciseable liquors by retail, to be drunk or consumed in a house or premises thereunto belonging, in which exciseable liquors shall not have been sold by retail, to be drunk or consumed on the premises, by virtue of a licence granted at the general annual licensing meeting next before such special session, shall, on some one Sunday within the six weeks next before such special session, at some time between the hours of ten in the forenoon and of four in the afternoon, affix or cause to be affixed on the door of such house, and on the door of the church or chapel of the parish or place in which such house shall be situate, and where there shall be no church or chapel, on some other public and conspicuous place within such parish or place, such and the like notice as is hereinbefore directed to be affixed by every person intending to apply at the general annual licensing meeting for a licence to sell exciseable liquors by retail, to be drunk or consumed in a house not therefore kept as an inn, and shall in like manner serve copies of the said notice on one of the overseers of the poor, and on one of the constables or other peace officers of such parish or place.

Fees to be paid for Licences.—Penalty for taking larger Fees.

15. It shall be lawful for the clerk of the justices, as well at the general annual licensing meeting as also at any special session to be holden under this Act, to demand and receive from every person to whom a licence shall be granted under this Act, for the trouble of such clerk, and for all expenses connected therewith, the sums following, and no more; *videlicet*, for the petty constable or other peace officer, for serving notices, and for all other services hereby required of such petty constable or other peace officer, the sum of one shilling; for the clerk of the justices, for the licence, the sum of five shillings; and for preparing the precepts to be directed to the high constable, and notices to be delivered by the petty constable, as required by this Act, the sum of one shilling and sixpence; and every such clerk, who shall demand or receive from any person for such respective fees in this behalf any greater sum or anything of greater value than the sums hereinbefore specified, being in the whole the sum of seven shillings and sixpence, shall for every such offence, on conviction before one justice, forfeit and pay the sum of five pounds.

Persons Disqualified to hold Licences.

16. No sheriff's officer, or officer executing the legal process of any court of justice in any county or place, shall be capable of receiving or using any licence under this Act; and that every licence granted or transferred to any person exercising any such office shall be void to all intents and purposes.

No Excise Licence to be granted, except to a Person Licensed under this Act.

17. No licence for the sale of any exciseable liquors by retail, to be drunk or consumed on the premises of the person licensed, shall be granted by the commissioners of excise, or by any officer of excise, to any person whatsoever, unless such person shall have previously obtained from the justices a licence under this Act, and which said licence of such justices shall be retained by such person after being produced to the commissioners or officers of excise; and every licence granted by the commissioners of excise, or by any officer of excise, contrary to this provision, shall be null and void to all intents and purposes.

18 to **26.** *Repealed.*

Appeal may be made to the Quarter Sessions.—Judgment of the Quarter Session to be final.

27. Any person who shall think himself aggrieved by any act of any justice, done in or concerning the execution of this Act, may appeal against such act to the next general or quarter sessions of the peace holden for the county or place wherein the cause of such complaint shall have arisen, unless such session shall be holden within twelve days next after such act shall have been done and in that case to the next subsequent session holden as aforesaid, and not afterwards, provided that such person shall give to such justice notice in writing of his intention to appeal, and of the cause and matter thereof, within five days next after such act, shall have been done, and seven days at the least before such session, and shall within such five days enter into a recognizance, with two sufficient sureties, before a justice acting in and for such county or place as aforesaid, conditioned to appear at the said session, and to try such appeal, and to abide the judgment of the court thereupon, and to pay such costs as shall be by the court awarded; and upon such notice being given, and such recognizance being entered into, the justice before whom the same shall be entered into shall liberate such person if in custody for any offence in reference to which the act intended to be appealed against shall have been done; and the court at such session shall hear and determine the matter of such appeal, and shall make such order therein, with or without costs, as to the said court shall seem meet; and in case the act appealed against shall be the refusal to grant or to transfer any licence, and the judgment under which such act was done be reversed, it shall be lawful for the said court to grant or to transfer such licence in the same manner as if such licence had been granted at the general annual licensing meeting, or had been transferred at a special session; and the judgment of the said court shall be final and conclusive to all intents and purposes; and in case of the dismissal of such appeal, or of the affirmance of the judgment on which such act was done, and which was appealed against, the said court shall adjudge and order the said judgment to be carried into execution, and costs awarded to be paid, and shall if necessary issue process for enforcing such order; provided that no justice shall act in the hearing or determination of any appeal to the general or quarter sessions as aforesaid from any act done by him in or concerning the execution of this act: Provided also, that when any cause of complaint shall have arisen within any liberty, county of a city, county of a town, city, or town corporate, it shall be lawful for the person who shall think himself so as aforesaid aggrieved to appeal against any such act as aforesaid, if he shall think fit, to the quarter sessions of the county within or adjoining to which such liberty or place shall be situate, subject to all the provisions hereinbefore contained.

Justices to bind Parties to appear to give Evidence at Quarter Session.

28. When any person shall have given notice of his intention to appeal as aforesaid, and shall have entered into recognizance as hereinbefore directed, it shall be lawful for the justice before whom such recognizance shall have been entered into to summon any person whose evidence shall appear to him to be material, and to require such person to be bound in recognizance to appear at the said general or quarter session, and to give evidence in such appeal; and in case any such person as aforesaid shall neglect or refuse to obey such summons, or shall refuse to enter into such recognizance, it shall be lawful for such justice as aforesaid to issue his warrant to apprehend such person so neglecting or refusing to obey such summons, and to bring him before such justice, and, if such person shall continue to refuse to enter into such recognizance, to commit him to the common gaol

or house of correction of the county or place for which such justice shall be then acting, there to remain until he shall enter into such recognizance, or shall be otherwise discharged by due course of law.

Court to adjudge Costs in certain Cases.

29. In every case where notice of appeal against the judgment of any justice in or concerning the execution of this act shall have been given, and such appeal shall have been dismissed, or the judgment so appealed against shall have been affirmed, or such appeal shall have been abandoned, it shall be lawful for the court to whom such appeal shall have been made or intended to be made, and such court is hereby required, to adjudge and order that the party so having appealed, or given notice of his intention to appeal, shall pay to the justice to whom such notice shall have been given, or to whomsoever he shall appoint, such sum, by way of costs, as shall in the opinion of such court be sufficient to indemnify such justice from all cost and charge whatsoever to which such justice may have been put in consequence of his having had served upon him notice of the intention of such party to appeal; and if such party shall refuse or neglect forthwith to pay such sum it shall be lawful for the said court to adjudge and order that the party so refusing or neglecting shall be committed to the common gaol or house of correction, there to remain until such sum be paid; and that in every case in which the judgment so appealed against shall be reversed, it shall be lawful for such court, if it shall think fit, to adjudge and order that the treasurer of the county or place in and for which such justice whose judgment shall have been so reversed shall have acted on the occasion when he shall have given such judgment, shall pay to such justice, to whomsoever he shall appoint, such sum as shall, in the opinion of such court, be sufficient to indemnify such justice from all costs and charges whatsoever to which such justice may have been so put; and the said treasurer is hereby authorized to pay the same, which shall be allowed to him in his accounts.

30 to **35.** *Repealed.*

Act not to affect the Two Universities; nor to alter Time of licensing in London; nor any Law of Excise; nor to prohibit the Sale of Beer at Fairs in certain Cases.

36. Nothing in this Act contained shall extend to alter or in any manner to affect any of the rights or privileges of the Universities of Oxford or Cambridge, or the powers of the chancellors or vice chancellors of the same, as by law possessed under the respective charters of the said universities, or otherwise; or the master, wardens, freemen, and commonalty of the vintners of the City of London, but not to extend to those freemen of the said company of vintners who have obtained the same by redemption only; nor to alter the time of granting licences for keeping inns in the City of London: Provided also, that nothing in this Act contained shall alter any law relating to the revenue of excise, except so far as the same is hereby expressly altered and otherwise provided for; nor to prohibit any person from selling beer in booths or other places at the time and within the limits of the ground or place in or upon which is holden any lawful fair, in like manner as such person was authorized to do before the passing of this Act.

Rules for the Interpretation of this Act.

37. And in order to remove doubts as to the meaning of certain words in this Act, be it enacted, that the word "justice" shall be deemed to mean justice of the peace; and that the words "treasurer of the county or place"

shall be deemed to include any officer acting in such capacity, or charged with the receipt and expenditure of monies from and out of which the cost of public prosecutions have been usually defrayed; that the words "peace officer" shall be deemed to include any petty constable, tithingman, headborough, beadle, or bailiff; that the words "parish officer" shall be deemed to include any churchwarden, chapelwarden, or overseer of the poor; and that the said words "justice," "treasurer of the county or place," "peace officer," "parish officer," and the words "high constable," and the words "petty constable," and the words "overseer of the poor," and the words "clerk of justices," shall each be deemed to include any person acting as such, and any number of justices, treasurers, peace officers, parish officers, high constables, petty constables, overseers of the poor, and clerks of justices; and that the word "person," and the word "party," shall be deemed to include any number of persons and parties; and that the meaning of the aforesaid several words shall not be restricted, although the same may be subsequently referred to in the singular number and masculine gender only; and that the word "notice," and the word "licence," and the word "adjournment," and the word "day," and the word "time," and the word "house," and the word "place," shall each be deemed to include any number of notices, licences, adjournments, days, times, houses, or places; and that the word "county," and the words "county or place," shall be deemed severally to include any county, riding, division of the County of Lincoln, hundred, division of a county, liberty, division of a liberty, county of a city, county of a town, city, cinque port, or town corporate; and the words "division or place" shall be deemed to include any division of a county or riding, liberty, division of a liberty, county of a city, county of a town, city, cinque port, or town corporate; and that the words "parish or place" shall be deemed to include any township, hamlet, tithing, vill, extra-parochial place, or any place maintaining its own poor; and that the word "inn" shall be deemed to include any inn, alehouse, or victualling house; and that the word "inn, alehouse, or victualling house" shall be deemed to include all houses in which shall be sold by retail any exciseable liquor, to be drunk or consumed on the premises; and that the words "exciseable liquor" shall be deemed to include any ale, beer, or other fermented malt liquor, sweets, cyder, perry, wine, or other spirituous liquor which now is or hereafter may be charged with duty either by customs or excise; and that the word "penalty" shall be deemed to include any fine, penalty, or forfeiture of a pecuniary nature; and that the meaning of the said several words shall not be restricted, although the same may be subsequently referred to in the singular number only.

Schedules **A, B,** *and* **C** *Repealed.*

BEERHOUSE ACT, 1840.

(3 & 4 Victoria, Chapter 61.)

An Act to amend the Acts relating to the general Sale of Beer and Cider by Retail in *England*. [7th August, 1840.

1. No licence to sell beer or cider by retail under the said recited Acts or this Act shall be granted to any person who shall not be the real resident holder and occupier of the dwelling house in which he shall apply to be licensed, nor shall any such licence be granted in respect of any dwelling house which shall not, with the premises occupied therewith, be rated in one sum to the rate for the relief of the poor of the parish, township, or place in which such house and premises are situate on a rent or annual value of fifteen pounds *per annum* at the least if situated in the Cities of *London* or *Westminster*, or within any parish or place within the bills of mortality, or within any city, cinque port, town corporate, parish, or place the population of which according to the last parliamentary census shall exceed ten thousand, or within one mile, to be measured by the nearest public street or path, from any polling place used at the last election for any town having the like population, and returning a member or members of parliament; nor shall any such licence be granted in respect of any dwelling house which shall not, with the premises occupied therewith, be rated in one sum to the rate for the relief of the poor of the parish, township, or place in which such house and premises are situate on a rent or annual value of eleven pounds *per annum*, if situated within any city, cinque port, town corporate, parish, or place, the population of which according to such last parliamentary census shall exceed two thousand five hundred and shall not exceed ten thousand, or within one mile, to be measured as aforesaid, from any polling place used at the last election for any town having the like population as last aforesaid, and returning a member or members of parliment; nor shall any such licence be granted in respect of any dwelling house which shall not, with the premises occupied therewith, be rated in one sum to the rate for the relief of the poor of the parish, township, or place in which such house and premises are situate on a rent or annual value of eight pounds, if situated elsewhere than as aforesaid; and every licence granted contrary hereto shall be null and void.

THE WINE AND BEERHOUSE ACT, 1869.

(32 & 33 Victoria, Chapter 27.)

Provisions of 9 Geo. IV. c. 61 to apply to Grants of Certificates under this Act.

8. All the provisions of the said Act of the ninth year of the reign of King George the Fourth as to the terms upon which, and the manner in which, and the persons by whom, grants of licences are to be made by the justices at the said general annual licensing meeting, and as to appeal from any act of any justice, shall, so far as may be, have effect with regard to grants of certificates under this Act, subject to this qualification, that no application for a certificate under this Act in respect of a licence to sell by retail beer, cider, or wine not to be consumed on the premises shall be refused, except upon one or more of the following grounds: viz.—

(1) That the applicant has failed to produce satisfactory evidence of good character:

(2) That the house or shop in respect of which a licence is sought, or any adjacent house or shop owned or occupied by the person applying for a licence, is of a disorderly character or frequented by thieves, prostitutes, or persons of bad character:

(3) That the applicant having previously held a licence for the sale of wine, spirits, beer, or cider, the same has been forfeited for his misconduct, or that he has through misconduct been at any time previously adjudged disqualified from receiving any such licence, or from selling any of the said articles:

(4) That the applicant, or the house in respect of which he applies, is not duly qualified as by law is required:

Where an application for any such last-mentioned certificate is refused on the ground that the house in respect of which he applies is not duly qualified as by law is required, the justices shall specify in writing to the applicant the grounds of their decision.

INTOXICATING LIQUOR (LICENSING) ACT, 1872.

(35 & 36 Victoria, Chapter 94.)

An Act for regulating the Sale of Intoxicating Liquors.

[10th August, 1872.

WHEREAS it is expedient to amend the law for the sale by retail of intoxicating liquors, and the regulation of public-houses and other places in which intoxicating liquors are sold, and to make further provision in respect of the grant of new licences for the sale of intoxicating liquors, and the better prevention of drunkenness:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.—Short Title.

1. This Act may be cited as "The Licensing Act, 1872."

Extent of Act.

2. This Act shall not extend to Scotland.

Illicit Sales.—Prohibition of Sale of Intoxicating Liquors Without Licence.

3. No person shall sell or expose for sale by retail any intoxicating liquor without being duly licensed to sell the same, or at any place where he is not authorised by his licence to sell the same. Any person selling or exposing for sale by retail any intoxicating liquor which he is not licensed to sell by retail, or selling or exposing for sale any intoxicating liquor at any place where he is not authorised by his licence to sell the same, shall be subject to the following penalties: that is to say—

(1) For the first offence he shall be liable to a penalty not exceeding fifty pounds, or to imprisonment with or without hard labour for a term not exceeding one month:

(2) For the second offence he shall be liable to a penalty not exceeding one hundred pounds, or to imprisonment with or without hard labour for a term not exceeding three months, and he may, by order of the court by which he is tried, be disqualified for any term not exceeding five years from holding any licence for the sale of intoxicating liquors:

(3) For the third and any subsequent offence he shall be liable to a penalty not exceeding one hundred pounds, or to imprisonment with or without hard labour for any term not exceeding six months, and may, by order of the court by which he is tried, be disqualified for any term of years or for ever from holding any licence for the sale of intoxicating liquors:

In addition to any other penalty imposed by this section any person convicted of a second or any subsequent offence under this section shall, if he be the holder of a licence, forfeit such licence, and in the case of a conviction for any offence under this section the court may, if it thinks

expedient so to do, declare all intoxicating liquor found in the possession of any such person as last aforesaid, and the vessels containing such liquor, to be forfeited.

No penalty shall be incurred under this section by the heirs, executors, administrators, or assigns of any licensed person who dies before the expiration of his licence, or by the trustee of any licensed person who is adjudged a bankrupt or whose affairs are liquidated by arrangement before the expiration of his licence in respect of the sale or exposure for sale of any intoxicating liquor, so that such sale or exposure for sale be made on the premises specified in such licence, and take place prior to the special session then next ensuing, or (if such special session be holden within fourteen days next after the death of the said person or the appointment of a trustee in the case of his bankruptcy, or the liquidation of his affairs by arrangement) take place prior to the special session holden next after such special session as last aforesaid.

Occupier of Unlicensed Premises liable for Sale of Liquor.

4. The occupier of any unlicensed premises on which any intoxicating liquor is sold, or if such premises are occupied by more than one person every occupier thereof, shall, if it be proved that he was privy or consenting to the sale, be subject to the penalties imposed upon persons for the sale of intoxicating liquors without licence.

Seller liable for Drinking on Premises contrary to Licence.

5. If any purchaser of any intoxicating liquor from a person who is not licensed to sell the same to be drunk on the premises drink such liquor on the premises where the same is sold, or on any highway adjoining or near such premises, the seller of such liquor shall, if it shall appear that such drinking was with his privity or consent, be subject to the following penalties: that is to say—

For the first offence he shall be liable to a penalty not exceeding ten pounds:

For the second and any subsequent offence he shall be liable to a penalty not exceeding twenty pounds.

For the purposes of this section the expression "premises where the same is sold" shall include any premises adjoining or near the premises where the liquor is sold, if belonging to the seller of the liquor or under his control, or used by his permission.

Any conviction for an offence under this section shall be recorded on the licence of the person convicted.[1]

Evasion of Law as to Drinking on Premises contrary to Licence.

6. If any person having a licence to sell intoxicating liquors not to be drunk on the premises himself takes or carries, or employs or suffers any other person to take or carry, any intoxicating liquor out of or from the premises of such licensed person for the purpose of being sold on his account, or for his benefit or profit, and of being drunk or consumed in any other house, or in any tent, shed, or other building of any kind whatever, belonging to such licensed person, or hired, used, or occupied by him, or on or in any place, whether enclosed or not, and whether or not a public thoroughfare, such intoxicating liquor shall be deemed to have been consumed by the purchasers thereof on the premises of such licensed person, with his privity

[1] Repealed by The Licensing Act, 1874 (37 & 38 Vict. c. 49), Section 33.

and consent, and such licensed person shall be punished accordingly in manner provided by this Act.

Any conviction for an offence under this section shall be recorded on the licence of the person convicted.[1]

In any proceeding under this section it shall not be necessary to prove that the premises or place or places to which such liquor is taken to be drunk belonged to, or were hired, used, or occupied by the seller, if proof be given to the satisfaction of the court hearing the case that such liquor was taken to be consumed thereon or therein with intent to evade the conditions of his licence.

Sale of Spirits to Children.

7. Every holder of a licence who sells or allows any person to sell, to be consumed on the premises, any description of spirits to any person apparently under the age of sixteen years, shall be liable to a penalty not exceeding twenty shillings for the first offence, and not exceeding forty shillings for the second and any subsequent offence.

Sale to be by Standard Measure.

8. Every person shall sell all intoxicating liquor which is sold by retail and not in cask or bottle, and is not sold in a quantity less than half a pint, in measures marked according to the imperial standards.

Every person who acts or suffers any person under his control or in his employment to act in contravention of this section shall be liable to a penalty not exceeding, for the first offence ten pounds, and not exceeding for any subsequent offence twenty pounds, and shall also be liable to forfeit the illegal measure in which the liquor was sold.

Penalty on Internal Communication between Licensed Premises and House of Public Resort.

9. Every person who makes or uses, or allows to be made or used, any internal communication between any licensed premises and any unlicensed premises which are used for public entertainment or resort, or as a refreshment house, shall be liable to a penalty not exceeding ten pounds for every day during which such communication remains open.

In addition to any penalty imposed by this section any person convicted of an offence under this section shall, if he be the holder of a licence, forfeit such licence.

Penalty on Illicit Storing of Liquor.

10. If any licensed person has in his possession on the premises in respect of which his licence is granted any description of intoxicating liquor which he is not authorised to sell, unless he shall account for the possession of the same to the satisfaction of the court by which he is tried, he shall forfeit such liquor and the vessels containing the same, and shall be liable to a penalty not exceeding for the first offence ten pounds, and not exceeding for any subsequent offence twenty pounds.

Names of Licensed Persons to be Affixed to Premises.

11. Every licensed person shall cause to be painted or fixed, and shall keep painted or fixed on the premises in respect of which his licence is granted, in a conspicuous place and in such form and manner as the Commissioners of Inland Revenue may from time to time direct, his name, with the addition

[1] Repealed by The Licensing Act, 1874 (37 & 38 Vict. c. 49), Section 33.

after the name of the word "licensed," and of words sufficient, in the opinion of the said commissioners, to express the business for which his licence has been granted, and in particular of words expressing whether the licence authorises the sale of intoxicating liquor to be consumed on or off the premises only, as the case may be; and no person shall have any words or letters on his premises importing that he is authorised as a licensed person to sell any intoxicating liquor which he is not in fact duly authorised to sell. Every person who acts in contravention of the provisions of this section shall be liable to a penalty not exceeding for the first offence ten pounds, and not exceeding for the second and any subsequent offence twenty pounds.

Offences against Public Order.—Penalty on Persons found Drunk.

12. Every person found drunk in any highway or other public place, whether a building or not, or on any licensed premises, shall be liable to a penalty not exceeding ten shillings, and on a second conviction within a period of twelve months shall be liable to a penalty not exceeding twenty shillings, and on a third or subsequent conviction within such period of twelve months be liable to a penalty not exceeding forty shillings.

Every person who in any highway or other public place, whether a building or not, is guilty while drunk of riotous or disorderly behaviour, or who is drunk while in charge on any highway or other public place of any carriage, horse, cattle, or steam engine, or who is drunk when in possession of any loaded fire-arms, may be apprehended, and shall be liable to a penalty not exceeding forty shillings, or in the discretion of the court to imprisonment with or without hard labour for any term not exceeding one month.

Where the court commits any person to prison for nonpayment of any penalty under this section, the court may order him to be imprisoned with hard labour.

Penalty for Permitting Drunkenness.

13. If any licensed person permits drunkenness or any violent, quarrelsome, or riotous conduct to take place on his premises, or sells any intoxicating liquor to any drunken person, he shall be liable to a penalty not exceeding for the first offence ten pounds, and not exceeding for the second and any subsequent offence twenty pounds.

Any conviction for an offence under this section shall be recorded on the licence of the person convicted, unless the convicting magistrate or justices shall otherwise direct.[1]

Penalty for Keeping Disorderly House.

14. If any licensed person knowingly permits his premises to be the habitual resort of or place of meeting of reputed prostitutes, whether the object of their so resorting or meeting is or is not prostitution, he shall, if he allow them to remain thereon longer than is necessary for the purpose of obtaining reasonable refreshment, be liable to a penalty not exceeding for the first offence ten pounds, and not exceeding for the second and any subsequent offence twenty pounds.

Any conviction for an offence under this section shall, unless the convicting magistrate or justices shall otherwise direct, be recorded on the licence of the person convicted.[1]

[1] Repealed by The Licensing Act, 1874 (37 & 38 Vict. c. 49), Section 33.

Penalty for Permitting Premises to be a Brothel.

15. If any licensed person is convicted of permiting his premises to be a brothel, he shall be liable to a penalty not exceeding twenty pounds, and shall forfeit his licence, and he shall be disqualified for ever from holding any licence for the sale of intoxicating liquors.

Penalty for Harbouring Constable.

16. If any licensed person—

(1) Knowingly harbours or knowingly suffers to remain on his premises any constable during any part of the time appointed for such constable being on duty, unless for the purpose of keeping or restoring order or in execution of his duty; or

(2) Supplies any liquor or refreshment, whether by way of gift or sale, to any constable on duty unless by authority of some superior officer of such constable; or

(3) Bribes or attempts to bribe any constable,

he shall be liable to a penalty not exceeding, for the first offence ten pounds, and not exceeding for the second or any subsequence offence twenty pounds.

Any conviction for an offence under this section shall, unless the convicting magistrate or justices shall otherwise direct, be recorded on the licence of the person convicted.[1]

Penalty for Permitting Gaming.

17. If any licensed person—

(1) Suffers any gaming or any unlawful game to be carried on on his premises; or

(2) Opens, keeps, or uses, or suffers his house to be open, kept, or used in contravention of the Act of the session of the sixteenth and seventeenth years of the reign of Her present Majesty, chapter one hundred and nineteen, intituled "An Act for the Suppression of Betting Houses,"

he shall be liable to a penalty not exceeding for the first offence ten pounds, and not exceeding for the second and any subsequent offence twenty pounds.

Any conviction for an offence under this section shall, unless the convicting magistrates shall otherwise direct, be recorded on the licence of the person convicted.[1]

Power to Exclude Drunkards from Licensed Premises.

18. Any licensed person may refuse to admit to and may turn out of the premises in respect of which his licence is granted any person who is drunken, violent, quarrelsome, or disorderly, and any person whose presence on his premises would subject him to a penalty under this Act.

Any such person who upon being requested in pursuance of this section by such licensed person, or his agent or servant, or any constable, to quit such premises, refuses or fails so to do, shall be liable to a penalty not exceeding five pounds, and all constables are required on the demand of such licensed person, agent, or servant to expel or assist in expelling every such person from such premises, and may use such force as may be required for that purpose.

[1] Repealed by The Licensing Act, 1874 (37 & 38 Vict. c. 49), Section 33.

The court committing any person to prison for non-payment of any penalty under this section may order him to be imprisoned with hard labour.

19 to **22.** *Repealed.*

Closing Licensed Premises in Case of Riot.—Power of Justices to Close Licensed Premises in Case of Riot.

23. Any two justices of the peace acting for any county or place where any riot or tumult happens or is expected to happen may order every licensed person in or near the place where such riot or tumult happens or is expected to happen to close his premises during any time which the justices may order; and any person who keeps open his premises for the sale of intoxicating liquors during any time at which the justices have ordered them to be closed shall be liable to a penalty not exceeding fifty pounds; and it shall be lawful for any person acting by order of any justices to use such force as may be necessary for the purpose of closing such premises.

24. *Repealed.*

Penalty on Person found on Premises during Closing Hours.

25. If, during any period during which any premises are required under the provisions of this Act to be closed, any person is found on such premises, he shall, unless he satisfies the court that he was an inmate, servant, or a lodger on such premises, or a *bonâ fide* traveller, or that otherwise his presence on such premises was not in contravention of the provisions of this Act with respect to the closing of licensed premises, be liable to a penalty not exceeding forty shillings.

Any constable may demand the name and address of any person found on any premises during the period during which they are required by the provisions of this Act to be closed, and if he has reasonable ground to suppose that the name or address given is false, may require evidence of the correctness of such name and address, and may, if such person fail upon such demand to give his name or address, or such evidence, apprehend him without warrant, and carry him, as soon as practicable, before a justice of the peace.

Any person required by a constable under this section to give his name and address who fails to give the same, or gives a false name or address, or gives false evidence with respect to such name and address, shall be liable to a penalty not exceeding five pounds.

Every person who by falsely representing himself to be a traveller or a lodger buys or obtains or attempts to buy or obtain at any premises any intoxicating liquor during the period during which such premises are closed in pursuance of this Act shall be liable to a penalty not exceeding five pounds.

Exemption from Closing by Order of Local Authority in respect of certain Trades.

26. The local authority of any licensing district, upon the production of such evidence as such authority may deem sufficient to show that it is necessary or desirable so to do for the accommodation of any considerable number of persons attending any public market, or following any lawful trade or calling, or attending any theatre, may grant, if such authority think fit, to any licensed victualler or licensed keeper of a refreshment house, in respect of premises in the immediate neighbourhood of such market, or of the place where the persons follow such lawful trade or calling, or of any such theatre, an order exempting such person from the provisions of this Act

with respect to the closing of his premises on such days and during such time, except between the hours of one and two of the clock in the morning, as may be specified in such order.

The holder of an order under this section shall not be liable to any penalty for not closing his premises on such days and during such time as may be specified in such order; but he shall not be exempt from any other penalty under this or any other Act, or otherwise.

A notice in such form as may be prescribed by the local authority, stating the days and hours during which the premises are permitted to be open under such order of exemption shall be affixed and kept affixed in a conspicuous position outside the premises; and if the holder of the order of exemption make default in affixing or in keeping affixed such notice in manner aforesaid, during any part of the time for which his exemption is granted, he shall be liable to pay a penalty not exceeding five pounds.

Every person who keeps affixed to his premises any such notice when he does not hold an order under this section shall be liable to a penalty not exceeding ten pounds.

Any such local authority as aforesaid may at any time, if it seem fit to them, withdraw an order under this section, or alter the same by way of extension or restriction, as such authority may deem necessary or expedient, so however as not to render any person liable to any penalty for anything done under such order before the holder was informed of such withdrawal or alteration.

The following persons and bodies of persons shall be deemed to be local authorities of licensing districts for the purposes of this Act: that is to say—

(1) In the metropolitan police district, the commissioner of police for the metropolis, subject to the approbation of one of Her Majesty's Principal Secretaries of State:

(2) In the City of London and the liberties thereof, so far as they are not included in the metropolitan police district, the commissioner of city police, subject to the approbation of the Lord Mayor of the said city:

(3) In any other place, two justices of the peace in petty session assembled.

Intoxicating Liquors not to be Drunk at Refreshment House during the Hours when the House would be closed if it were an Inn.

27. No intoxicating liquor shall be consumed upon premises licensed as a refreshment house but not for the sale of any intoxicating liquor during the hours during which the same premises would, if they were the licensed premises of licensed victuallers, be closed by law for the sale and consumption of intoxicating liquor.

If any person licensed to keep such refreshment house allows any intoxicating liquor to be consumed on the premises in contravention of this section, he shall be liable for the first offence to a penalty not exceeding ten pounds, and for any subsequent offence to a penalty not exceeding twenty pounds.

Amendment of Law as to Refreshment Houses.

28. Every refreshment house in respect of which a licence is granted for the sale therein by retail of foreign wine, upon which licence an abatement of duty has been allowed under section nine of the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-one, intituled "An Act to amend the Laws relating to the

Inland Revenue," shall be closed every night at ten of the clock, and where other licensed premises in the same place are required by or in pursuance of this Act to close at nine o'clock at night, at nine of the clock; and if any person keeping any such refreshment house as is mentioned in this section sells or exposes for sale in such refreshment house, or opens or keeps open any such refreshment house for the sale of intoxicating liquors during the time that such house is directed to be closed by this section, or during such time as aforesaid allows any intoxicating liquor to be consumed on such premises, he shall for the first offence be liable to a penalty not exceeding ten pounds, and for any subsequent offence to a penalty not exceeding twenty pounds.

Any conviction for an offence against this section shall be recorded on the licence of the person convicted, unless the convicting magistrate or justices shall otherwise direct.[1]

Local Authority may grant Occasional Licences exempting from Provisions relating to closing during certain hours.

29. If any licensed victualler or keeper of a refreshment house in which intoxicating liquors are sold applies to the local authority of a licensing district for a licence exempting him from the provisions of this Act relating to closing of premises on any special occasion or occasions, it shall be lawful for such local authority, if in his discretion he thinks fit so to do, to grant to the applicant an occasional licence exempting him from the provisions of this Act relating to closing of premises during certain hours, and on the special occasion or occasions to be specified in the licence; and no licensed victualler or keeper of a refreshment house to whom an occasional licence has been granted under this section shall be subject to any penalty for the contravention of the provisions of this Act relating to the closing of premises during the time to which his occasional licence extends, but he shall not be exempted by such occasional licence from any penalty to which he may be subject by any other provision of this or any other Act of Parliament.

30. *Repealed.*

Disqualification of Premises.

31. The following additional provisions shall be enacted with respect only to convictions of persons who may hereafter become licensed in respect of premises, and shall not apply to a conviction of any person licensed for any premises at the passing of this Act so long as he is licensed in respect of the same premises: viz.—

1. The second and every subsequent conviction recorded on the licence of any one such person shall also be recorded in the register of licences against the premises:
2. When four convictions (whether of the same or of different licensed persons) have within five years been so recorded against premises, those premises shall during one year be disqualified for the purposes of this Act:
3. If the licences of two such persons licensed in respect of the same premises are forfeited within any period of two years the premises will be disqualified for one year from the date of the last forfeiture:

Provided that where any premises are disqualified under this section notice of such disqualification shall be served upon the owner of the premises in

[1] Provisions as to Conviction repealed by The Licensing Act, 1874 (37 & 38 Vict. c. 49), Section 33.

like manner as an order of disqualification is required to be served under this Act, and the regulations for the protection of the owner of premises in case of an order of disqualification shall, so far as the same are applicable, extend to the case of disqualification under this section.

Conviction after Five Years not to increase Penalty.

32. A conviction for any offence under this Act shall not after five years from the the date of such conviction be receivable in evidence against any person for the purpose of subjecting him to an increased penalty or to any forfeiture.

33 to **35.** *Repealed.*

Registers.—Register of Licences to be kept in Licensing District.

36. There shall be kept in every licensing district by the clerk of the licensing justices of that district a register, to be called the register of licences, in such form as may be prescribed by such justices, containing the particulars of all licences granted in the district, the premises in respect of which they were granted, the names of the owners of such premises, and the names of the holders for the time being of such licences. There shall also be entered on the register all forfeitures of licences, disqualifications of premises, records of convictions, and other matters relating to the licences on the register.

Every person applying for a new licence, or the renewal of a licence, shall state the name of the owner of the premises in respect of which such licence is granted or renewed, and such name shall be endorsed on the licence, and the person whose name is so stated shall, subject as hereinafter mentioned, be deemed for the purposes of this Act to be the owner of the premises.

A court of summary jurisdiction may, on the application of any person who proves to the court that he is entitled to be entered as owner of any premises in place of the person appearing on the register to be the owner, make an order substituting the name of the applicant, and such order shall be obeyed by the clerk of the licensing justices, and a corresponding correction may be directed to be made on the licence granted in respect of the premises of which such applicant claims to be the owner.

Any ratepayer, any owner of premises to which a licence is attached, and any holder of a licence within a licensing district, shall, upon payment of a fee of one shilling, and any officer of police, and any officer of inland revenue in such district, without payment, shall be entitled at any reasonable time to inspect and take copies of or extracts from any register kept in pursuance of this section for such district; and the clerk of the licensing justices and every other person who prevents the inspection or taking copies of or extracts from the same, or demands any unauthorised fee therefor, shall be liable to a penalty not exceeding five pounds for each offence.

The licensing justices may, if they think fit, cause the register kept in pursuance of this section to be divided into parts and assign a part to any portion of the licensing district; and there shall be paid by each licensed person to the clerk in respect of such registration the sum or fee of one shilling for every licence granted or renewed.

Amendment of Law as to Grant of Licences.—Licensing Committee of Justices in Counties.

37. In counties a grant of a new licence shall not be valid unless it is confirmed by a standing committee of the county justices, in this Act called "the county licensing committee."

The justices in quarter sessions assembled for every county shall annually appoint from among themselves for the purposes of this Act a county

licensing committee, or they may appoint more than one such committee and assign to any such committee such area of jurisdiction as they may think expedient.

A county licensing committee shall consist of not less than three nor more than twelve members.

The quorum of a county licensing committee shall be three members.

Any vacancies arising in any such committee from death, resignation, or other causes, may be from time to time filled up by the justices in quarter sessions by whom the committee is appointed.

A county licensing committee shall be deemed to be a standing committee of the quarter sessions by whom they are appointed for the year succeeding their appointment, and their jurisdiction and proceedings shall not be affected by the termination of the sessions at which they were appointed. The members of a committee retiring at the end of the year may be re-appointed; and if from any cause members have not been appointed in any year to succeed the retiring members, such retiring members may continue to act as the committee until their successors are appointed.

The justices in quarter sessions shall make such regulations with respect to the meetings of any such committee and the transaction of business thereat as they may think fit.

The clerk of the peace of the county shall by himself or his deputy be the clerk of the county licensing committee or committees, and shall perform all such duties in relation to any such committee or committees as he is required by law to perform in relation to the justices in quarter sessions assembled.

Provided that so far as respects any new licences to be granted in any county at any general annual licensing meeting, or any adjournment thereof held between the Twentieth of August and the end of September in the year One thousand eight hundred and seventy-two, the justices of such county may, at any adjourned quarter sessions or general sessions (if they think fit to hold a general sessions), at any time before the First day of October, One thousand eight hundred and seventy-two, appoint a county licensing committee, but if no such licensing committee be appointed before such date as last aforesaid the justices of the county in quarter sessions assembled shall be deemed to be the county licensing committee for the purpose of any new licence granted at such annual licensing meeting; and any such new licence, if confirmed by the county licensing committee or by the said justices in quarter sessions, shall be in force from the day of the confirmation thereof until the Eleventh day of October, One thousand eight hundred and seventy-three.

Licensing Committee of Justices in Boroughs.

38. In boroughs in which at the commencement of the time appointed for the annual appointment of a licensing committee in this section mentioned there are ten justices acting in and for such borough or upwards, new licences shall be granted by a committee, who shall for the purpose of such new licences perform all the duties and be subject to the obligations of licensing justices.

In every such borough as aforesaid the justices acting in and for such borough shall annually in the fortnight preceding the commencement of the period during which the general annual licensing meeting for such borough may be held appoint from among themselves for the purposes of this Act a committee of not less than three nor more than seven in number, but no justice shall be appointed a member of such committee unless he is qualified to act under this Act.

Any vacancies arising in such committee (in this Act referred to as "the borough licensing committee") from death, resignation, or other causes, may be

from time to time filled up by the justices by whom the committee is appointed.

The quorum of a borough licensing committee shall be three members.

The members of the borough licensing committee retiring at the end of the year may be re-appointed; and if from any cause members have not been appointed in any year to succeed the retiring members, such retiring members may continue to act as the borough licensing committee until their successors are appointed.

The grant of a new licence by a borough licensing committee shall not be valid unless it is confirmed by the whole body of borough justices, who would, if this Act had not passed, have been authorised to grant licences, or by a majority of such body present at any meeting assembled for the purpose of confirming such licences.

In boroughs in which there are not ten justices acting in and for such borough at such time as aforesaid, new licences shall be granted by the qualified borough justices, but the grant of a new licence by such justices shall not be valid unless it is confirmed by a joint committee appointed in respect of such borough in manner hereinafter mentioned:

A joint committee for any such borough as last aforesaid shall consist of three justices of the county in which such borough is situate and three justices of the borough, but no justice shall be appointed a member of such committee unless he is qualified to act under this Act. The three county justices on a joint committee shall be appointed by the county licensing committee. The same county justices may be appointed members of more than one joint committee under this section. The borough justices on a joint committee shall be appointed by the justices of the borough for which they act, or by the majority of such justices assembled at any meeting held for that purpose. Any casual vacancy arising in the joint committee from death, resignation, or other cause, may from time to time be filled up by the justices by whom the person creating such vacancy was appointed. The quorum of the joint committee shall be five members. The senior magistrate on the joint committee present at any meeting shall be its chairman; and in the event of an equal division of the committee the chairman shall have a second vote:

Provided that so far as respects any new licences to be granted in any borough at any general annual licensing meeting, or any adjournment thereof, held between the Twentieth of August and the end of September in the year One thousand eight hundred and seventy-two, the following enactments shall take effect:

1. If no licensing committee has been appointed in the county in which a borough is situate for which a joint committee is required to be appointed by this Act, the county members of the joint committee shall be appointed by the justices in quarter sessions assembled, and in any such borough as last aforesaid any new licence, if confirmed by the joint committee, shall be in force from the date of the confirmation thereof until the Eleventh day of October, One thousand eight hundred and seventy-three:

2. All notices and ministerial acts given or done in relation to the grant of such licences shall be valid, notwithstanding such notices may be given or acts be done before the appointment of a borough licensing committee, and the borough justices may appoint a time at which the borough licensing committee will be prepared to grant new licences.

No objection shall be made to any licences granted or confirmed in pursuance of this section on the ground that the justices or committee of justices who granted or confirmed the same were not qualified to make such grant or confirmation.

From and after the passing of this Act, the justices of a county shall not for licensing purposes, save in so far as respects the power of appointing members of a joint committee, have any jurisdiction in a borough in which the borough justices have for such purposes concurrent jurisdiction.

Stipendiary Magistrates may Act as Licensing Justices.

39. Beyond the limits of the jurisdiction of the metropolitan police courts a metropolitan police or stipendiary magistrate may act as one of the justices empowered to grant or confirm licences so far as regards any licensing district wholly or partly within his jurisdiction.

Regulations as to New Licences and Transfer of Licences.

40. Every person intending to apply for a new licence, or to apply for the transfer of a licence, shall publish notice of such application as follows: that is to say—

(1) In the case of a new licence he shall cause notice thereof to be given and to be affixed and maintained in manner directed by Section Seven of The Wine and Beerhouse Act, 1869, and any enactment amending the same, and shall advertise such notice in some paper circulating in the place in which the premises to which the notice relates are situate, on some day not more than four and not less than two weeks before the proposed application, and on such day or days (if any) as may be from time to time fixed by the licensing justices:

(2) In the case of a transfer of a licence, he shall, fourteen days prior to one of the special sessions appointed by the justices for granting transfers of such licences, serve a notice of his intention to transfer the same upon one of the overseers of the parish, township, or place in which the premises in respect of which his application is to be made are situate, and on the superintendent of police of the district. This notice shall be signed by the applicant or by his authorised agent, and shall set forth the name of the person to whom it is intended that such licence shall be transferred, together with the place of his residence, and his trade or calling during the six months preceding the time of serving such notice:

(3) Any licence may be authenticated in manner in which a certificate may be authenticated in pursuance of Sub-section Two of Section Four of The Wine and Beerhouse Act Amendment Act, 1870, and the provisions of the said sub-section shall apply accordingly.

Provided that, notwithstanding anything in this Act contained, notices in respect of all applications for new licences to be granted at any general annual licensing meeting or adjournment thereof held between the Twentieth of August and the end of September in the year One thousand eight hundred and seventy-two shall be given as if this Act had not passed. The provisions of this section as to notices shall extend to all cases where, under the Intoxicating Liquors Act, 1828, notices are required to be served in a like form to or in the same manner as notices for new licences.

Amendment of 5 & 6 Vict. c. 44, with respect to Licences wilfully withheld.

41. Whereas by the Second Section of the Act of the session of the fifth and sixth years of the reign of Her present Majesty, chapter forty-four, the magistrates or justices in petty sessions are empowered, in the event of a licence

being lost or mislaid, to receive a copy of such licence, and to deal therewith in manner in the said section mentioned: And whereas it is expedient to extend the power of such magistrates or justices to the reception of a copy of a licence in the event of a licence being wilfully withheld by the holder thereof: Be it enacted, that such section be construed as if after the words "lost or mislaid," there were inserted the words "or if the application is for the grant of a licence, has been wilfully withheld by the holder thereof."

Provisions as to Renewal of Licences.

42. Where a licensed person applies for the renewal of his licence the following provisions shall have effect:

(1) He need not attend in person at the general annual licensing meeting, unless he is required by the licensing justices so to attend:

(2) The justices shall not entertain any objection to the renewal of such licence, or take any evidence with respect to the renewal thereof, unless written notice of an intention to oppose the renewal of such licence has been served on such holder not less than seven days before the commencement of the general annual licensing meeting: Provided that the licensing justices may, notwithstanding that no notice has been given, on an objection being made, adjourn the granting of any licence to a future day, and require the attendance of the holder of the licence on such day, when the case will be heard and the objection considered, as if the notice hereinbefore prescribed had been given:

(3) The justices shall not receive any evidence with respect to the renewal of such licence which is not given on oath.

Subject as aforesaid, licences shall be renewed and the powers and discretion of justices relative to such renewal shall be exercised as heretofore.

Confirmation of Licences.

43. Any person who appears before the licensing justices and opposes the grant of a new licence, and no other person, may appear and oppose the confirmation of such grant by the confirming authority in counties or boroughs; and the confirming authority may award such costs as they shall deem just to the party who shall succeed in the proceedings before them. In a county the justices in quarter sessions assembled, and in a borough the borough justices, shall make rules as to the proceedings to be adopted for confirmation of new licences and the costs to be incurred in any such proceedings, and the person by whom such costs are to be paid.

Disqualifications for Licences.

44. No licence shall be granted under the Intoxicating Liquor Licensing Acts to any person or in respect of any premises declared by or in pursuance of any of the Intoxicating Liquor Licensing Acts or this Act to be disqualified persons or disqualified premises during the continuance of such disqualification. Any licence held by any person so disqualified, or attached to premises so disqualified, shall be void.

Qualification of Premises for Licences.

45. Premises to which at the time of the passing of this Act no licence under the Acts recited in The Wine and Beerhouse Act, 1869, authorising the sale of beer or wine for consumption thereupon is attached, shall not be subject to any of the provisions now in force prescribing a certain rent or value or rating as a qualification for receiving any such licence.

Premises not at the time of the passing of this Act licensed for the sale of any intoxicating liquor for consumption thereupon shall not be qualified to receive a licence authorising such sale unless the following conditions are satisfied:

(*a*) The premises, unless such premises are a railway refreshment room, shall be of not less than the following annual value:

If situated within the city of London or the liberties thereof, or any parish or place subject to the jurisdiction of the Metropolitan Board of Works, or within the four mile radius from Charing Cross, or within the limits of a town containing a population of not less than one hundred thousand inhabitants, fifty pounds per annum; or if the licence do not authorise the sale of spirits, thirty pounds per annum:

If situated elsewhere and within the limits of a town containing a population of not less than ten thousand inhabitants, thirty pounds per annum; or if the licence do not authorise the sale of spirits, twenty pounds per annum:

If situated elsewhere and not within any such town as above mentioned, fifteen pounds per annum; or if the licence do not authorise the sale of spirits, twelve pounds per annum:

(*b*) The premises shall be, in the opinion of the licensing authority, structurally adapted to the class of licence for which a certificate is sought: Provided that no house, not licensed at the time of the passing of this Act for the sale of any intoxicating liquor for consumption on the premises, shall be qualified to have a licence attached thereto authorising such sale, unless such house shall contain, exclusive of the rooms occupied by the inmates of such house, if the licence authorise the sale of spirits, two rooms, and if the licence do not authorise the sale of spirits, one room, for the accommodation of the public.

Annual Value necessary for obtaining Grant of Licence.

46. Whereas in certain cases a licence under The Wine and Beerhouse Acts, 1869 and 1870, is not to be granted unless the house and premises in respect of which such licence is granted are of such rent and value or are rated to the poor rate on a rent or annual value of such amount as is respectively in that behalf stated in the Acts recited in The Wine and Beerhouse Act, 1869; and it is expedient to substitute in such cases "annual value" for the said rent, value, or rating, and to provide for the ascertaining the annual value of such house and premises: Be it therefore enacted that in cases not provided for by the last preceding section—

A licence under The Wine and Beerhouse Acts, 1869 and 1870, shall not be granted in respect of any premises which are not, in the opinion of the licensing justices who grant such licence, of such annual value as is mentioned in that behalf in the Acts recited by The Wine and Beerhouse Act, 1869; and those Acts shall be construed as if "annual value" were therein substituted for "rent," "value," "rated on a rent or annual value," and other like expressions.

If at the first general annual licensing meeting after the passing of this Act the licensing justices are of opinion that any premises which are licensed for the sale of intoxicating liquors at the passing of this Act are not of such annual value as authorises the grant of a licence for such premises, they may, notwithstanding, renew such licence upon the condition, to be expressed in the licence, that the holder thereof, before the next general annual licensing meeting, improves the premises so as to make

them of sufficient annual value, and if the holder fail to comply with such condition the licence shall not be renewed at such next general annual licensing meeting.

Mode of Ascertaining Annual Value.

47. The licensing justices shall take such means as may seem to them best for ascertaining the annual value of any premises for the purposes of this Act, and may, if they think fit, order a valuation to be made of such premises by a competent person appointed by them for the purpose, and may order the costs of such valuation to be paid by the applicant for a licence.

The annual value of premises for the purposes of this Act shall be the annual rent which a tenant might be reasonably expected, taking one year with another, to pay for the same, if he undertook to pay all tenant's rates and taxes, and tithe commutation rent-charge (if any), and if the landlord undertook to bear the cost of the repairs and insurance and other expenses (if any) necessary to maintain the premises in a state to command the said rent, and if no licence were granted in respect thereof; but no land shall be included in such premises other than any pleasure grounds or flower or kitchen garden, yard, or curtilage usually held and occupied and used by the persons residing in and frequenting the house.

Regulations as to Form of Licences.

48. The following regulations shall be made with respect to licences:

(1) Every licence granted after the commencement of this Act shall be in such form as may from time to time be prescribed by a Secretary of State: Provided that licences granted at any general annual licensing meeting or adjournment thereof between the Twentieth of August and the end of September One thousand eight hundred and seventy-two shall be in the forms heretofore in use, but any conditions contained in any licence so granted which are contrary to the provisions of this Act shall be of no effect:

(2) A renewal of a licence may be made by an endorsement on the licence, or by the issue of a copy of the old licence, but in the latter case there shall be endorsed on such copy all convictions made within the previous five years which are endorsed on the old licence.

The Commissioners of Inland Revenue may alter the form of any licence granted by them for the sale of intoxicating liquors, in such manner as they may think expedient, for the purposes of bringing such form into conformity with the law for the time being in force.

Provisions as to Six-day Licences.

49. Where on the occasion of an application for a new licence or transfer or renewal of a licence which authorises the sale of any intoxicating liquor for consumption on the premises, the applicant, at the time of his application, applies to the licensing justices to insert in his licence a condition that he shall keep the premises in respect of which such licence is or is to be granted closed during the whole of Sunday, the justices shall insert the said condition in such licence.

The holder of a licence in which such condition is inserted (in this Act referred to as a six-day licence) shall keep his premises closed during the whole of Sunday, and the provisions of this Act with respect to the

closing of licensed premises during certain hours on Sunday shall apply to the premises in respect of which a six-day licence is granted as if the whole of Sunday were mentioned in those provisions instead of certain hours only.

The holder of a six-day licence may obtain from the Commissioners of Inland Revenue any licence granted by such commissioners, which he is entitled to obtain in pursuance of such six-day licence, upon payment of six seventh parts of the duty which would otherwise be payable by him for a similar licence not limited to six days; and if he sell any intoxicating liquor on Sunday he shall be deemed to be selling intoxicating liquor without a licence.

The notice which a licensed person is required to keep painted or fixed on his premises shall, in the case of a licence under this section, contain words indicating that such licence is for six days only. In calculating the amount to be paid for a six-day licence any fraction of a penny shall be disregarded.

Licences may be Removed from one part of a District to Another &c.

50. Licences may be removed from one part of a licensing district to another part of the same district, or from one licensing district to another licensing district within the same county, in manner following:

The application for an order sanctioning removal shall be made by the person desiring to be the holder of the licence when removed, and shall be made at a general annual licensing meeting, or any adjournment thereof, to the justices authorised to grant new licences in the licensing district in which the premises are situated to which the licence is to be removed.

Notice of the intended application shall be given in the same manner as notice is given of an application for the grant of a new licence.

A copy of the notice shall be personally served upon or sent by registered letter to the owner of the premises from which the licence is to be removed, and the holder of the licence, unless he is also the applicant.

The justices to whom the application is made shall not make an order sanctioning such removal unless they are satisfied that no objection to such removal is made by the owner of the premises to which the licence is attached, or by the holder of the licence, or by any other person whom such justices shall determine to have a right to object to the removal.

Subject as aforesaid, such justices shall have the same power to make an order sanctioning such removal as they have to grant new licences; but no such order shall be valid unless confirmed by the confirming authority of the licensing district.

Legal Proceedings.—Summary Proceedings for Offences under this Act &c.

51. Except as in this Act otherwise expressly provided, every offence under this Act may be prosecuted, and every penalty and forfeiture may be recovered and enforced, in manner provided by The Summary Jurisdiction Act, 1848, subject to the following provisions:

(1) The court of summary jurisdiction, when hearing and determining an information or complaint, other than in a case where the offence charged is that of being found drunk in any highway or other public place, or any licensed premises, shall be constituted either of two or more justices of the peace in petty sessions sitting at a place

appointed for holding petty sessions, or of a stipendiary magistrate, or some other officer for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace, and sitting alone or with others at some court or other place appointed for the administration of justice:

(2) and (3).[1]

(4) . . . . and in all cases of summary proceedings under this Act, the defendant and his wife shall be competent to give evidence:

(5) All forfeitures shall be sold or otherwise disposed of in such manner as the court may direct, and the proceeds of such sale or disposal (if any) shall be applied in the like manner as penalties, but the court may direct that such proceeds may be applied in the first instance in paying the expenses of and incidental to any search and seizure which resulted in the forfeiture:

(6) Penalties and forfeitures under this Act shall not, for the purpose of any Act respecting the application of such penalties, or the costs, charges, and expenses attending proceedings for recovery of such penalties or of forfeitures, be deemed to be penalties or forfeitures under any Act relating to the Inland Revenue.

Any officer appointed by the Commissioners of Inland Revenue may sue for any penalties under this Act, and when so sued for any penalties which may be recovered shall be applied in the manner in which excise penalties are for the time being applicable by law.

Where under this Act any sum for costs (other than costs upon a conviction or order of dismissal of an information) or for compensation, or both, is ordered or awarded to be paid by any person, the amount thereof shall be recovered in manner directed by The Summary Jurisdiction Act, 1848, for the recovery of costs awarded upon the dismissal of an information or complaint.

Appeal to Quarter Sessions.

52. If any person feels aggrieved by any order or conviction made by a court of summary jurisdiction, the person so aggrieved may appeal therefrom, subject to the conditions and regulations following:

(1) The appeal shall be made to the next court of quarter sessions.[2]

Continuance of Licence during Pendency of Appeal against Justices' Refusal to Renew.

53. Where the justices refuse to renew a licence, and an appeal against such refusal is duly made, and such licence expires before the appeal is determined, the Commissioners of Inland Revenue may, by order, permit the person whose licence is refused to carry on his business during the pendency of the appeal upon such conditions as they think just; and, subject to such conditions, any person so permitted may, during the continuance of such order, carry on his business in the same manner as if the renewal of the licence had not been refused.

Where a licence is forfeited on or in pursuance of a conviction for an offence, and an appeal is duly made against such conviction, the court by whom the conviction was made may, by order, grant a temporary licence to be in force during the pendency of the appeal upon such conditions as they think just.

[1] Sub-sections (2) and (3) and the first portion of (4) are repealed by 47 & 48 Vict. c. 43.

[2] The remaining portion of this section is repealed by 47 & 48 Vict. c. 43.

Conviction &c. not to be Quashed for Want of Form, or Removed by Certiorari

54. No conviction or order made in pursuance of this Act, originally or on appeal, relative to any offence, penalty, forfeiture, or summary order, shall be quashed for want of form, or, if made by a court of summary jurisdiction, be removed by certiorari or otherwise, either at the instance of the Crown or of any private party, into any superior court. Moreover, no warrant of commitment in any such matter shall be held void by reason of any defect therein, provided that there is a valid conviction to maintain such warrant, and it is alleged in the warrant that the party has been convicted.

55. *Repealed.*

For Protection of Owners of Licensed Premises in cases of Offences committed by Tenants.

56. Where any tenant of any licensed premises is convicted of an offence against this Act, and such offence is one the repetition of which may render the premises liable to be disqualified from receiving a licence for any period, it shall be the duty of the clerk of the licensing justices to serve, in manner provided by this Act, notice of every such conviction on the owner of the premises.

Where any order of a court of summary jurisdiction declaring any licensed premises to be disqualified from receiving a licence for any period has been made, the court shall cause such order to be served on the owner of such premises, where the owner is not the occupier, with the addition of a statement that the court will hold a petty sessions at a time and place therein specified, at which the owner may appear and appeal against such order on all or any of the following grounds, but on no other grounds:

(*a*) That notice, as required by this Act, has not been served on the owner of a prior offence which on repetition renders the premises liable to be disqualified from receiving a licence at any period; or

(*b*) That the tenant by whom the offence was committed held under a contract made prior to the commencement of this Act, and that the owner could not legally have evicted the tenant in the interval between the commission of the offence, in respect of which the disqualifying order was made, and the receipt by him of the notice of the immediately preceding offence which on repetition renders the premises liable to be disqualified from receiving a licence at any period; or

(*c*) That the offence in respect of which the disqualifying order was made occurred so soon after the receipt of such last-mentioned notice that the owner, notwithstanding he had legal power to evict the tenant, could not with reasonable diligence have exercised that power in the interval which occurred between the said notice and the second offence.

If the owner appear at the time and place specified, and at such sessions, or any adjournment thereof, satisfy the court that he is entitled to have the order cancelled on any of the grounds aforesaid, the court shall thereupon direct such order to be cancelled, and the same shall be void.

In a county the justices in quarter sessions assembled, and in a borough the borough justices, shall make rules in pursuance of which any person other than the owner interested in any licensed premises as mortgagee or otherwise shall be entitled on payment of such sum as may be specified in such rules to receive from the clerk to the licensing justices a similar notice to that which an owner of such premises is entitled to receive under this Act.

57. *Repealed.*

Evidence of Endorsements and Register.

58. The registers of licences kept in pursuance of this Act shall be receivable in evidence of the matters required by this Act to be entered therein . . . and every copy of an entry made in the registers of licences in pursuance of this Act, purporting to be signed by the clerk to the licensing justices and (in the case of a copy) to be certified to be a true copy, shall be evidence of the matters stated in such endorsement and entry, without proof of the signature or authority of the person signing the same.

Saving for Indictments &c. under other Acts.

59. Nothing in this Act shall prevent any person from being liable to be indicted or punished under any other Act, or otherwise, so that he be not punished twice for the same offence.

Disqualification of Justices to act under this Act.—Miscellaneous.

60. No justice shall act for any purpose under this Act, or under any of the Intoxicating Liquor Licensing Acts, except in cases where the offence charged is that of being found drunk in any highway or other public place, whether a building or not, or on any licensed premises, or of being guilty while drunk of riotous or disorderly conduct, or of being drunk while in charge, on any highway or other public place, of any carriage, horse, cattle, or steam engine, or of being drunk when in possession of loaded fire-arms, who is or is in partnership with or holds any share in any company which is a common brewer, distiller, maker of malt for sale, or retailer of malt or of any intoxicating liquor in the licensing district or in the district or districts adjoining to that in which such justice usually acts; and no justice shall act for any purpose under this Act, or under any of the Intoxicating Liquor Acts, in respect of any premises in the profits to which such justice is interested, or of which he is wholly or partly the owner, lessee, or occupier, or for the owner, lessee, or occupier of which he is manager or agent.

Any justice hereby declared not to be qualified to act under this Act who knowingly acts as a justice for any of the purposes of this Act shall for every such offence be liable to a penalty not exceeding one hundred pounds, to be recovered by action in one of Her Majesty's superior courts at Westminster:

Provided that—

(1) No justice shall be disqualified under this section to act in respect of any premises by reason of his having vested in him a legal interest only, and not a beneficial interest, in such premises or the profits thereof:

(2) No justice shall be liable to a penalty for more than one offence committed by him under this section before the institution of any proceedings for the recovery of such penalty:

(3) No act done by any justice disqualified by this section shall by reason only of such disqualification be invalid.

Extension of Jurisdiction of Justices over River or Water &c.

61. For all the purposes of this Act any pier, quay, jetty, mole, or work extending from any place within the jurisdiction of any licensing justices or court of summary jurisdiction into or over any part of the sea, or any part of a river within the ebb and flow of the tide, shall be deemed to be within the jurisdiction of such justices and court.

For the purpose of jurisdiction in any proceeding under this Act, any river or water which runs between or forms the boundary of two or more licensing districts, or of the jurisdiction of two or more courts of summary jurisdiction, shall be deemed to be wholly within each such licensing district and the jurisdiction of each of such courts.

Evidence of Sale or Consumption of Intoxicating Liquors.

62. In proving the sale or consumption of intoxicating liquor for the purpose of any proceeding relative to any offence under this Act, it shall not be necessary to show that any money actually passed or any intoxicating liquor was actually consumed, if the court hearing the case be satisfied that a transaction in the nature of a sale actually took place, or that any consumption of intoxicating liquor was about to take place; and proof of consumption or intended consumption of intoxicating liquor on premises to which a licence under this Act is attached, by some person other than the occupier of or a servant in such premises, shall be evidence that such liquor was sold to the person consuming, or being about to consume, or carrying away the same by or on behalf of the holder of such licence.

Avoidance of Excise Licence on Forfeiture of Licence.

63. Where a licence is forfeited in pursuance of this Act, or becomes void under any of the provisions of this Act, any licence for the sale of intoxicating liquors granted by the Commissioners of Inland Revenue to the holder of such licence shall be void.

Production of Licence by Holder, and Penalty on Non-production.

64. Every holder of a licence, or of an order of exemption made by a local authority in pursuance of this Act, shall, by himself, his agent, or servant, produce such licence or order within a reasonable time after the production thereof is demanded by a justice of the peace, constable, or officer of inland revenue, and deliver the same to be read and examined by him. Any person who acts in contravention of this section shall be liable to a penalty not exceeding ten pounds.

Population to be according to last Census.

65. The population of any area for the purposes of this Act shall be ascertained according to the last published census for the time being.

Moiety of Penalties may be awarded to Police Superannuation Fund.

66. Any part not exceeding a moiety of any penalty recovered under this Act may, if the court shall so direct, be paid to the superannuation fund of the police establishment within whose jurisdiction the offence in respect of which such penalties are imposed shall have occurred.

67. *Repealed.*

Regulations as to Retail Licences of Wholesale Dealers.

68. No persons shall sell by retail liqueurs or spirits under the authority of any retail licence which such person shall have obtained as a wholesale spirit dealer from the Commissioners of Inland Revenue, except in premises occupied and used exclusively for the sale therein of intoxicating liquor, and which premises have no communication with the premises of nor are in any way occupied by a person who is carrying on any other trade or business, unless such person shall have first obtained from the licensing justices a licence authorising such sale in premises not exclusively so occupied and used.

Licences for Sale of Liqueurs &c. by Retail not to be Consumed on the Premises.

69. A licence for the sale of liqueurs or spirits by retail not to be consumed on the premises may, where such licence is required by this Act, be granted in the same manner in all respects in which a licence for selling wine not to be consumed on the premises may by law be granted, and an application for such a licence shall not be refused except upon one or more of the grounds on which a certificate in respect of a licence to sell by retail beer, cider, or wine not to be consumed on the premises may be refused: Provided that in respect of any such licence for liqueurs or spirits to be granted at any general annual licensing meeting, or adjournment thereof, held between the Twentieth of August and the end of September in the year One thousand eight hundred and seventy-two, such notices only shall be required to be given, not exceeding seven days' notice, as may be prescribed by the licensing justices.

Provided also, that nothing in this Act contained as to the requirements of a justice's licence shall affect the sale of liqueurs or spirits or sweets under any excise licence granted before the passing of this Act during the continuance of such excise licence.

Notices may be Served by Post.

70. All notices and documents required by this Act to be served or sent may, unless otherwise expressly provided, be served and sent by post, and, until the contrary is proved, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service or sending it shall be sufficient to prove that the letter containing the notice or document was prepaid, and properly addressed.

Where any officer or other person interested in any licensed premises is entitled to receive notice of a conviction under this Act, he shall supply his address to the clerk or other person required to send such notice, and any notice sent to such address shall be deemed to be duly served; and where no notice is supplied in pursuance of this section, all notices shall be deemed to be duly served if sent to any address which such clerk or other person in the exercise of his discretion believes to be the address of the person to whom the notice was so sent.

Provided that any notice of any offence required by this Act to be sent to the owner of licensed premises shall be either served personally or sent by registered lettter.

Schedules to be part of Act.

71. The Schedules to this Act shall be construed and have effect as part of this Act.

Saving Clauses.—Saving of certain Privileges, Rights, &c.

72. Nothing in this Act shall affect or apply to—

1. The privileges at the date of the passing of this Act enjoyed by any university in England, or the respective chancellors or scholars of the same, or their successors:
2. The privileges at the date of the passing of the Act enjoyed by the mayor or burgesses of the borough of St. Alban's, in the county of Hertford, or their successors, or the exemption from the obligation to take out a licence as defined by this Act, or a licence from the Commissioners of Inland Revenue enjoyed by the company of the master, wardens, and commonalty of vintners of the City of London:
3. The sale of spruce or black beer:

4. The sale of intoxicating liquor by proprietors of theatres in pursuance of the Acts in that behalf:
5. The sale of intoxicating liquor in packet boats, in pursuance of the Acts in that behalf:
6. The sale of intoxicating liquor on special occasions in pursuance of the provisions in that behalf enacted:
7. The sale of spirits in canteens, in pursuance of any Act regulating the same:
8. The sale of medicated or methylated spirits, or spirits made up in medicine and sold by medical practitioners or chemists and druggists:
9. The sale of intoxicating liquor by wholesale:
10. Any penalties recoverable by or on behalf of the Commissioners of Inland Revenue, or any laws relating to the excise.

Licence as defined by this Act not required for certain Retail Sales.

73. A licence as defined by this Act shall not be required for—

1. The sale of wine by retail, not to be consumed on the premises, by a wine merchant in pursuance of a wine dealer's licence granted by the Commissioners of Inland Revenue; or
2. The sale of liqueurs or spirits by retail, not to be consumed on the premises, by a wholesale spirit dealer whose premises are exclusively used for the sale of intoxicating liquors, in pursuance of a retail licence granted by the Commissioners of Inland Revenue, under the provisions of the twenty-fourth and twenty-fifth of Her present Majesty, chapter twenty-one, intituled "An Act for granting to Her Majesty certain Duties of excise and stamps."

Definitions.—Interpretation of Terms &c.

74. In this Act, if not inconsistent with the context, the following expressions have the meanings hereinafter respectively assigned to them: that is to say—

"Intoxicating Liquor Licensing Act, 1828," means the Act of the ninth year of the reign of King George the Fourth, chapter sixty-one, intituled "An Act to regulate Granting of Licences to keepers of inns, alehouses, and victualling houses in England," and includes the Acts amending the same:

"Wine and Beerhouse Acts" means The Wine and Beerhouse Act, 1869, and The Wine and Beerhouse Act Amendment Act, 1870:

"Intoxicating Liquors Licensing Acts" means The Intoxicating Liquor Licensing Act, 1828, and the Wine and Beerhouse Acts:

"Intoxicating liquor" means spirits, wine, beer, porter, cider, perry, and sweets, and any fermented, distilled, or spirituous liquor which cannot, according to any law for the time being in force, be legally sold without a licence from the Commissioners of Inland Revenue:

"Licence" means a licence for the sale of intoxicating liquors granted by justices in pursuance of The Intoxicating Liquor Licensing Act, 1828, including a certificate of justices granted under the Wine and Beerhouse Acts, and including a licence for the sale of sweets which is hereby authorised to be granted in the same manner as if sweets were wine, and including a licence for the retail of spirits granted to a wholesale spirit dealer by the justices in pursuance of this Act:

"A new licence" means a licence granted at a general annual licensing meeting in respect of premises not theretofore licensed for the sale of intoxicating liquors:

"The renewal of a licence" means a licence granted at a general annual licensing meeting by way of renewal:

"The transfer of a licence" means a transfer made in special sessions in exercise of the power granted to justices by the fourth section of the said Act of the ninth year of the reign of King George the Fourth, chapter sixty-one, entituled "An Act to regulate Granting of Licences to keepers of inns, alehouses, and victualling houses in England":

"Licensed person" means a person holding a licence as defined by this Act:

"Licensed premises" means premises in respect of which a licence as defined by this Act has been granted and is in force:

"Unlicensed premises" means premises in respect of which a licence as defined by this Act has not been granted or is not in force.

"Owner of licensed premises" means the person for the time being entitled to receive, either on his own account or as mortgagee or other incumbrancer in possession, the rack rent of such premises:

"Licensing district" means the area for which a general annual licensing meeting is held in pursuance of The Intoxicating Liquor Licensing Act, 1828:

"Licensing justices" means the justices having jurisdiction in respect of the grant of new licenees in a licensing district under the last-mentioned Act as amended by this Act:

"Licensing officer" means any officer appointed by the Commissioners of Inland Revenue to issue or superintend the issue of licences under this Act in any place:

"Sale by retail" in respect of any intoxicating liquor means the sale of that liquor in such quantities as is declared to be sale by retail by any Acts relating to the sale of intoxicating liquors:

"County" does not include a county of a city or a county of a town, but means any county, riding, parts, division, or liberty of a county having a separate commission of the peace and a separate court of quarter sessions:

"Borough" means a county of a city, county of a town, city, municipal borough, cinque port and its liberties, town corporate, or other place in which a general annual licensing meeting is held in pursuance of The Intoxicating Liquors Licensing Act, 1828, exclusive of a petty sessional division of a county:

Where a liberty of a county as defined by this Act is not divided into petty sessional divisions, such liberty shall, so far as respects the provisions of this Act with respect to the grant of new licences, stand in the same position as if it were a petty sessional division of the county in which it is geographically situate or with which it has the longest common boundary:

"Clerk of the licensing justices" means, where the licensing district is a county or a petty sessional division of a county, the clerk of the petty sessions for such division; and where the licensing district is a county of a city, county of a town, city, municipal borough, town corporate, or other place not a county or a petty

sessional division of a county, means the clerk to the justices of such county of a city, county of a town, city, borough, town corporate, or place, or other person performing analogous duties to such clerk; and where there are more persons than one in any county, petty sessional division, or other place filling the office of clerk of the licensing justices as hereinbefore defined, the licensing justices shall determine by which of such persons the register of licences shall be kept:

"Town" means any parliamentary or municipal borough, Improvement Act district, local government district, or other place having a known legal boundary, and wherever two or more of the above mentioned places occupy portions of the same area, "town" shall be taken to mean such one of such places as is the largest in area; and any premises situate in more than one town shall, for the purposes of this Act, be deemed to be in such one of the towns as is the largest in area:

"Local government district" means any area subject to the jurisdiction of a local board constituted in pursuance of The Local Government Act, 1858:

"Improvement Act district" means any area for the time being subject to the jurisdiction of any commissioners, trustees, or other persons intrusted by any Local Act, not being a Turnpike Act or Highway Act, with powers of improving, cleansing, or paving any part of such district:

"Court of summary jurisdiction" . . . . [*Repealed.*]

"Quarter sessions" . . . . [*Repealed.*]

"Police district" . . . . [*Repealed.*]

"Police authority" . . . . [*Repealed.*]

"Secretary of State" means one of Her Majesty's Principal Secretaries of State.

Repeal.—Repeal of Acts mentioned in Second Schedule.

75. The several Acts set forth in the Second Schedule hereto shall be repealed to the extent to which such Acts are therein expressed to be repealed, and in particular there shall be repealed so much of the Wine and Beerhouses Acts as makes such Acts temporary in their duration, and the said Acts shall henceforth be perpetual.

Provided that the repeal enacted in this Act shall not affect—

(1) Any security given before this Act comes into operation:

(2) Anything duly done before this Act comes into operation:

(3) Any right acquired or liability accrued before this Act comes into operation:

(4) Any removal of a licence or certificate in pursuance of the Second Section of Intoxicating Liquor Licensing Suspension Act, 1871:

(5) Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence committed before this Act comes into operation:

(6) The institution of any legal proceeding or any other remedy for ascertaining, enforcing, or recovering any such liability, penalty, forfeiture, or punishment as aforesaid:

Provided also, that in the case of persons intending to apply for billiard licences under the Act of the eighth and ninth years of the reign of Her

present Majesty, chapter one hundred and nine, intituled, "An Act to amend the law concerning Games and Wagers," or for the transfer of such licences, the same notices shall be given as are by this Act required in the case of licences as defined by this Act, or as near thereto as circumstances admit; and any person convicted of an offence against the tenor of a billiard licence or of any offence declared by the last-mentioned Act to be an offence against the tenor of a licence as defined by this Act, shall be punished under this Act in the same manner in all respects as a licensed person within the meaning of this Act is punishable under this Act for suffering any gaming or any unlawful game to be carried on on his premises; and in construing the last-mentioned Act any reference to The Intoxicating Liquor Licensing Act, 1828, shall be construed to refer to that Act as amended by this Act.

76 to 90. Application of sections to Ireland [*Repealed.*]

THE LICENSING ACT, 1874.

(37 & 38 Victoria, Chapter 49.)

Temporary continuance of Licences forfeited for Single Offences.

15. Where any licensed person is convicted for the first time of any one of the following offences—

(1) Making an internal communication between his licensed premises and any unlicensed premises.

(2) Forging a certificate under The Wine and Beerhouse Acts, 1869 and 1870.

(3) Selling spirits without a spirit licence.

(4) Any felony.

And in consequence either becomes personally disqualified or has his licence forfeited, there may be made by or on behalf of the owner of the premises an application to a court of summary jurisdiction for authority to carry on the same business on the same premises until the next special sessions for licensing purposes, and a further application to such next special sessions for the grant of a licence in respect of such premises, and for this purpose the provisions contained in The Intoxicating Liquor Licensing Act, 1828, with respect to the grant of a temporary authority and to the grant of licences at special sessions, shall apply as if the person convicted had been rendered incapable of keeping an inn, and the person applying for such grant was his assignee.

Provisional Grant and Confirmation of Licences to New Premises.

22. Any person interested in any premises about to be constructed or in course of construction for the purpose of being used as a house for the sale of intoxicating liquors to be consumed on the premises may apply to the licensing justices and to the confirming authority for the provisional grant and confirmation of a licence in respect of such premises; and the justices and confirming authority, if satisfied with the plans submitted to them of such house, and that if such premises had been actually constructed in accordance with such plans they would, on application, have granted and confirmed such a licence in respect thereof, may make such provisional grant and order of confirmation accordingly.

A provisional grant and order of confirmation shall not be of any validity until it has been declared to be final by an order of the licensing justices made after such notice has been given as may be required by the justices at a general annual licensing meeting or a special sessions held for licensing purposes. Such declaration shall be made if the justices are satisfied that the house has been completed in accordance with such plans as aforesaid, and are also satisfied that no objection can be made to the character of the holder of such provisional licence.

A provisional grant and confirmation of a licence shall be subject to the same conditions as to the giving of notices and generally as to procedure to which such grant and confirmation would be subject if they respectively were not provisional, with this exception, that where a notice is required to be put up on a door of a house such notice may be put up in a conspicuous position on any part of the premises.

This section shall, with the necessary variations, extend to the provisional removal to any premises of an existing licence under Section Fifty of the principal Act.

Notices of Adjourned Brewster Sessions, and of Intention to Oppose.

26. Whereas by Section Forty-two of the principal Act it is enacted that a licensed person applying for the renewal of his licence need not attend in person at the general annual licensing meeting unless he is required by the licensing justices so to attend: Be it enacted, that such requisition shall not be made, save for some special cause personal to the licensed person to whom such requisition is sent.

It shall not be necessary to serve copies of notices of any adjournment of a general annual licensing meeting on holders of licences or applicants for licences who are not required to attend at such adjourned annual general licensing meeting.

A notice of an intention to oppose the renewal of a licence served under Section Forty-two of the principal Act shall not be valid unless it states in general terms the grounds on which the renewal of such licence is to be opposed.

THE

LOCAL GOVERNMENT ACT, 1888.

(51 & 52 Victoria, Chapter 41.)

Payment to County Council of Proceeds of Duties on Local Taxation Licences.

20. (1) After the financial year ending on the Thirty-first day of March next after the passing of this Act the Commissioners of Inland Revenue shall from time to time, in such manner and under such regulations as the Treasury from time to time prescribe, pay into the Bank of England to such account (in this Act referred to as "the local taxation account") as may be fixed by the regulations, such sums as may be ascertained in manner provided by the regulations to be the proceeds of the duties collected by those commissioners in each administrative county in England and Wales on the licences (in this Act referred to as "local taxation licences") specified in the First Schedule to this Act, and for the purposes of this section all penalties and forfeitures recovered in respect of the said duties shall be considered as part of the proceeds of the duties.

(2) The amount ascertained as aforesaid to have been collected in each county in respect of duties on local taxation licences shall from time to time be certified by the Commissioners of Inland Revenue, and paid under the direction of the Local Government Board out of the local taxation account to the council of such county. The commissioners may, if they think fit, vary such certificate, but unless so varied their certificate shall be conclusive.

FIRST SCHEDULE.

LOCAL TAXATION LICENCES.

Licences for the sale of intoxicating liquor for consumption on the premises—

Retailers of Spirits (Publicans).
Retailers of Spirits (Occasional licences).
Retailers of Beer.
Retailers of Beer (Occasional licences).
Retailers of Beer and Wine.
Retailers of Cider.
Retailers of Wine.
Retailers of Wine (Occasional licences).
Retailers of Sweets.

Licences for the sale of intoxicating liquor by retail, by persons not licensed to deal therein, for consumption off the premises—

Retailers of Beer.
Retailers of Beer and Wine.
Retailers of Cider.
Retailers of Wine.
Retailers of Sweets.
Retailers of Table Beer.

Licences for—

Beer Dealers.
Spirit Dealers.
Sweets Dealers.
Wine Dealers.
Refreshment-house Keepers.

THE FINANCE ACT, 1894.

(57 & 58 Victoria, Chapter 30.)

Value of Property.

7. (5) The principal value of any property shall be estimated to be the price which in the opinion of the commissioners such property would fetch if sold in the open market . . . .

(8) Subject to the provisions of this Act, the value of any property for the purpose of estate duty shall be ascertained by the commissioners in such manner and by such means as they think fit, and, if they authorise a person to inspect any property and report to them the value thereof for the purposes of this Act, the person having the custody or possession of that property shall permit the person so authorised to inspect it at such reasonable times as the commissioners consider necessary.

(9) Where the commissioners require a valuation to be made by a person named by them, the reasonable costs of such valuation shall be defrayed by the commissioners.

Appeal from Commissioners.

10. (1) Any person aggrieved by the decision of the commissioners with respect to the repayment of any excess of duty paid, or by the amount of duty claimed by the commissioners, whether on the ground of the value of any property or the rate charged or otherwise, may, on payment of, or giving security as hereinafter mentioned for, the duty claimed by the commissioners or such portion of it as is then payable by him, appeal to the High Court within the time and in the manner and on the conditions directed by Rules of Court, and the amount of duty shall be determined by the High Court, and if the duty as determined is less than that paid to the commissioners the excess shall be repaid.

(2) No appeal shall be allowed from any order, direction, determination, or decision of the High Court in any appeal under this section, except with the leave of the High Court or Court of Appeal.

(3) The costs of the appeal shall be in the discretion of the court. [The remainder of this sub-section is not applicable.]

(4) [Not applicable.]

(5) [Gives an appeal to the County Court for amounts below £10,000: As Section 2, s.s. 2, of The Licensing Act, 1904, refers to the "High Court" only, this sub-section will not apply.]

(6) The county council of every county or county borough in Great Britain shall within twelve months after the commencement of this Act, and may thereafter from time to time, appoint a sufficient number of qualified persons to act as valuers for the purposes of this Act in their respective counties, and shall fix a scale of charges for the remuneration of such persons, and the court may refer any question of disputed value under this section to the arbitration of any person so appointed for the county in which the appellant resides, or the property is situate, and the costs of any such arbitration shall be part of the costs of the appeal.

RULES OF THE SUPREME COURT

REGULATING PROCEEDINGS IN APPEALS UNDER THE FINANCE ACT, 1894, SECTION 10.

ORDER XL.—RULE L. 1.

1. Any aggrieved person within the meaning of Section 10, Sub-section (1), of The Finance Act, 1894, who desires to appeal to the High Court in any of the cases mentioned in the said sub-section shall, within one month from the date of the notification to him or his solicitor of the decision or claim of the commissioners, deliver to them a written statement of the grounds of such appeal.

The statement shall state specifically the several grounds upon which the appellant contends that the decision or claim of the commissioners was erroneous, and if he contends that the value put upon any property by the commissioners is excessive, he shall therein identify such property and state the value which he contends should be put upon the same.

2. The commissioners shall, within a month from the delivery to them of the statement of the grounds of appeal, notify to the appellant or his solicitor whether they have withdrawn the decision or claim appealed against or have determined to maintain the same, either in whole or in part.

3. At any time thereafter, not exceeding one month from the date of the notification by the commissioners of their determination to maintain their decision or claim either in whole or in part, the appellant may proceed with his appeal by way of petition to the High Court, such petition to be filed in the Queen's Remembrancer's Department of the Central Office, and a copy thereof served by the appellant upon the commissioners.

4. Subject to the provisions of these Rules, the appellant shall not in his petition state or at the hearing be allowed to rely upon any grounds of appeal not specifically set forth in the statement of the grounds of appeal.

5. Upon the filing of the petition and the service of a copy thereof upon the commissioners, the matter shall be deemed to be completely at issue, and within seven days thereafter the appellant, or in default thereof the commissioners, may set the petition down for hearing upon the Revenue side of the Queen's Bench Division of the High Court.

6. The court or a judge may order that the petition shall be heard before a judge of the Chancery Division, and Order XLIX., Rule 7, shall apply to any such order.

7. Unless by consent, or otherwise ordered, only oral evidence shall be admitted at the hearing.

8. In cases where, pursuant to Rule 7, evidence may be by affidavit, the affidavits shall be filed in the Queen's Remembrancer's Department.

9. The Crown shall have the same right as an ordinary suitor of administering interrogatories and of obtaining discovery and inspection of documents.

10. The court or a judge may, at any time before or at the hearing, allow the appellant to amend his petition upon such terms as the court or judge may think right.

11. Order XIX., Rule 27, of The Rules of the Supreme Court, 1883, shall apply to the petition, which shall be deemed to be a pleading within that Rule.

12. [Not applicable.]

13. These Rules may be cited as "The Rules of the Supreme Court (Finance Act), 1895," and shall come into operation forthwith.

Signed and certified as urgent, the 14th day of January, 1895.

THE FINANCE ACT, 1896.

(59 & 60 Victoria, Chapter 28.)

Appeal from County Court under 57 & 58 Vict. c. 30, s. 10.[1]

22. [This section amends Section 10, s.s. 5, of The Finance Act, 1894, but only as to the appeal below £10,000 to the County Court, which is not applicable to The Licensing Act, 1904, Section 2, s.s. 2.]

[1] The appeal is to a Divisional Court. For cases of such appeal see *Re Cowley*, [1897] 2 Q. B. 47; *re Scott*, [1900] 1 Q. B. 372; *re Vernon*, [1901] 1 Q. B. 297. Two Counsel are heard before the Divisional Court, see *Re Cowley*. There appears to be an appeal to the House of Lords, *without leave*, under 39 & 40 Vict. c. 59.

THE LICENSING ACT, 1902.

(2 Edward VII., Chapter 28.)

An Act to amend the Law relating to the Sale of Intoxicating Liquors and to Drunkenness, and to provide for the Registration of Clubs.
[8th August, 1902.

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

AMENDMENT OF LAW AS TO DRUNKENNESS.

Apprehension of Person found Drunk and Incapable in Public Place.

1. If a person is found drunk in any highway or other public place, whether a building or not, or on any licensed premises, and appears to be incapable of taking care of himself, he may be apprehended and dealt with according to law.

Penalty for being Drunk while in Charge of Child.

2. (1) If any person is found drunk in any highway or other public place, whether a building or not, or on any licensed premises while having the charge of a child apparently under the age of seven years, he may be apprehended, and shall, if the child is under that age, be liable on summary conviction to a fine not exceeding forty shillings, or to imprisonment, with or without hard labour, for any period not exceeding one month.

(2) If the child appears to the court to be under the age of seven, the child shall, for the purposes of this section, be deemed to be under that age unless the contrary is proved.

(3) The offence under this section shall be included in the list of offences mentioned in the First Schedule to The Inebriates Act, 1898,[1] and in Section 60 of The Licensing Act, 1872.[2]

[1] 61 & 62 Vict. c. 60. [2] 35 & 36 Vict. c. 94.

Power to require Person convicted of Drunkenness to give Security for Good Behaviour.

3. Where a person is convicted of any offence mentioned in the list of offences contained in the First Schedule to The Inebriates Act, 1898, as amended by this Act, the court may, either in addition to or in substitution for any other penalty, order the offender to enter into a recognisance, with or without sureties, to be of good behaviour.

Burden of Proof in case of Drunkenness on Licensed Premises.

4. Where a licensed person is charged with permitting drunkenness on his premises, and it is proved that any person was drunk on his premises, it shall lie on the licensed person to prove that he and the persons employed by him took all reasonable steps for preventing drunkenness on the premises.

Protection for Wife or Husband of Habitual Drunkard.

5. (1) Where the husband of a married woman is a habitual drunkard, as defined by Section Three of The Habitual Drunkards Act, 1879,[1] the married woman shall be entitled to apply for an order under The Summary Jurisdiction (Married Women) Act, 1895, and that Act shall apply accordingly.

(2) Where the wife of a married man is a habitual drunkard, as defined by Section Three of The Habitual Drunkards Act, 1879,[1] the married man shall be entitled to apply to a court of summary jurisdiction for an order under this sub-section, and on any such application the court may make one or more orders containing all or any of the following particulars:—

(*a*) A provision that the applicant be no longer bound to cohabit with his wife (which provision while in force shall have the effect in all respects of a decree of judicial separation on the ground of cruelty);

(*b*) A provision for the legal custody of any children of the marriage;

(*c*) A provision that the applicant shall pay to his wife personally, or for her use to any officer of the court or other person on her behalf, such weekly sum not exceeding two pounds as the court, having regard to the means both of the applicant and his wife, consider reasonable;

(*d*) A provision for payment by the applicant or his wife, or both of them, of the costs of the court, and such reasonable costs of the parties, or either of them, as the court may think fit.

Subject to the foregoing provisions, The Summary Jurisdiction (Married Women) Act, 1895,[2] shall apply to an application and order under this sub-section in like manner as it applies to an application and order under that Act, except that for references to a married woman and her husband shall be substituted references to a married man and his wife.

Provided that instead of making an order in pursuance of Paragraph (*a*) of this sub-section the court may, with the consent of the wife, order her to be committed to and detained in any retreat licensed under The Inebriates Acts, 1879 to 1900, the licensee of which is willing to receive her; and such

[1] 42 & 43 Vict. c. 19. [2] 58 & 59 Vict. c. 39.

order shall have effect as if she had been admitted to the retreat under Section Ten of The Habitual Drunkards Act, 1879, as amended by any subsequent enactment, and the court may order an officer of the court or a constable to remove her to the retreat accordingly.

Prohibition of Sale of Liquor to Persons declared to be Habitual Drunkards.

6. (1) Where upon the conviction of an offender the court is satisfied that an order of detention could be made under Section One or Section Two of The Inebriates Act, 1898,[1] then, whether an order of detention is made or not, the court shall order that notice of the conviction, with such particulars as may be prescribed by a Secretary of State, be sent to the police authority (within the meaning of The Police Act, 1890[2]) for the police area in which the court is situate.

(2) Where a court in pursuance of this Act orders notice of a conviction to be sent to a police authority, the court shall inform the convicted person that the notice is to be so sent; and

(*a*) If the convicted person within three years after the date of the conviction purchases or obtains, or attempts to purchase or obtain, any intoxicating liquor at any premises licensed for the sale of intoxicating liquor by retail, or at the premises of any club registered in pursuance of the provisions of Part III. of this Act, he shall be liable, on summary conviction, to a fine not exceeding, for the first offence, twenty shillings, and for any subsequent offence, forty shillings; and

(*b*) If the holder of any licence authorising the sale of intoxicating liquor by retail, whether for consumption on or off the premises, or any person selling, supplying, or distributing intoxicating liquor, or authorising such sale, supply, or distribution on the premises of a club registered in conformity with the provisions of Part III. of this Act, within that period knowingly sells, supplies, or distributes, or allows any person to sell, supply, or distribute, intoxicating liquor to or for the consumption of any such person, he shall be liable, on summary conviction, for the first offence to a fine not exceeding ten pounds, and for any subsequent offence in respect of the same person to a fine not exceeding twenty pounds.

(3) Regulations shall be made by the police authority for the purpose of securing the giving of information to licensed persons and secretaries of clubs registered under Part III. of this Act of orders made under this section, and for assisting in the identification of the convicted persons.

Penalty for Procuring Drink for Drunken Person.

7. Any person who, being on any premises licensed for the sale of any intoxicating liquor, whether for consumption on or off such premises, shall procure or attempt to procure any intoxicating liquor for consumption by any drunken person, or who shall aid and abet any drunken person in obtaining or consuming any intoxicating liquor on any premises so licensed as aforesaid, shall be liable on summary conviction to a fine not exceeding forty shillings, or to imprisonment, with or without hard labour, for any period not exceeding one month.

[1] 61 & 62 Vict. c. 60. [2] 53 & 54 Vict. c. 45.

Interpretation of "Public Place."

8. For the purposes of Section Twelve of The Licensing Act, 1872,[1] and of Sections One and Two of this Act, the expression "public place" shall include any place to which the public have access, whether on payment or otherwise.

PART II.

AMENDMENT OF LICENSING LAW.

Record of Conviction of Licensed Person.

9. (1) Where a licensed person is convicted before any court of any offence committed by him as such, it shall be the duty of the clerk of the licensing justices to enter notice of every such conviction, in the form prescribed by the Secretary of State, in the register of licences kept by him; and if the clerk of the court is not the clerk of the licensing justices, he shall forthwith send notice of the conviction to the clerk of the licensing justices.

(2) On any application for the grant, renewal, or transfer of a licence the licensing justices shall have regard to any entries in the register of licences relating either to the person by whom, or to the premises in respect of which, the licence is to be held.

(3) When a conviction relating to any premises is entered in the register of licences, it shall be the duty of the clerk of the licensing justices to serve, in manner provided by The Licensing Act, 1872,[1] notice of the conviction on the owner of the premises.

(4) After the commencement of this Act no conviction shall be recorded on a licence.

Powers of Justices as to Retail Off-licences.

10. (1) Notwithstanding anything contained in Section Seventy-three of The Licensing Act, 1872, a justices' licence shall be required in the case of every excise licence under which intoxicating liquor may be sold by retail to be consumed off the premises.

Provided that this sub-section shall not apply to any excise licence taken out by a spirit dealer or wine dealer for premises which are exclusively used for the sale of intoxicating liquors, or of intoxicating liquors and mineral waters, or other non-intoxicating drinks, and which have no internal communication with the premises of any person who is carrying on any other trade or business.

(2) Notwithstanding anything contained in Section Eight of The Wine and Beerhouse Act, 1869,[2] and in Sections Sixty-nine and Seventy-four of The Licensing Act, 1872, the licensing justices shall be at liberty in their free and unqualified discretion, except as hereinafter provided, either to refuse a licence for the sale of beer, wines, spirits, liqueurs, sweets, or cider, by retail, to be consumed off the premises, on any grounds appearing to them sufficient, or to grant a licence to such persons as they deem fit and proper.

[1] 35 & 36 Vict. c. 94. [2] 32 & 33 Vict. c. 27.

(3) Any application for the grant of a licence, to which this section applies in respect of any premises on which the applicant was, at the commencement of this Act, authorised to sell beer, wine, spirits, liqueurs, sweets, or cider by retail, to be consumed off the premises, shall be deemed to be an application for the renewal of a licence, and shall be subject to the provisions of the Licensing Acts relating to the renewal of licences.

(4) Provided that where a licence for the sale of wine, spirits, liqueurs, sweets, or cider, not to be consumed on the premises, was in force on the Twenty-fifth day of June, Nineteen hundred and two, an application for the renewal of such licence, or of any licence granted by way of renewal thereof from time to time, shall not be refused to the person who held such licence on the Twenty-fifth day of June, Nineteen hundred and two, except on one or more of the grounds on which it might have been refused if this Act had not passed, or on the ground that the licensee has sold surreptitiously under such licence, or has assisted in concealing or misrepresenting the nature of goods sold under such licence, or has in any other way, in the opinion of the licensing justices, been guilty of misconduct in the management of his business under such licence.

Control of Justices over Structure of Licensed Premises.

11. (1) Where a person is intending to apply for a new licence for the sale of intoxicating liquors by retail to be consumed on the premises he shall, not less than twenty-one days before the annual licensing meeting, deposit with the clerk to the licensing justices a plan of the premises in respect of which the application is to be made.

(2) Any alteration in any licensed premises for the sale by retail of intoxicating liquors to be consumed thereon, which gives increased facilities for drinking, or conceals from observation any part of the premises used for drinking, or which affects the communication between the part of the premises where intoxicating liquor is sold and any other part of the premises, or any street or other public way, shall not be made without the consent of the licensing justices assembled either at the general annual licensing meeting or at special sessions under Section Four of The Alehouse Act, 1828,[1] and the licensing justices may, before giving their consent, require plans of the proposed alterations to be deposited with their clerk at such time as they may determine; and if any such alteration is made, save under the order of some lawful authority, without such consent as aforesaid, a court of summary jurisdiction, on complaint, may by order declare the licence to be forfeited, or direct that, within a time fixed by the order, the premises shall be restored to their original condition.

(3) Where a licence is forfeited under this section the owner of the premises shall have all the rights conferred on owners by Section Fifteen of The Licensing Act, 1874.[2]

(4) On any application for the renewal of a licence for the sale by retail of intoxicating liquors to be consumed on the premises, the licensing justices may require a plan of the premises to be produced before them, and to be deposited with their clerk, and on renewing any such licence they may, by order, direct that, within a time fixed by the order, such alterations as they think reasonably necessary to secure the proper conduct of the business shall be made in that part of the premises where intoxicating liquor is sold or

[1] 9 Geo. IV. c. 61. [2] 37 & 38 Vict. c. 49.

consumed, but any such order shall be subject to an appeal to a court of quarter sessions as provided by The Alehouse Act, 1828: and if any such order for structural alteration is made and complied with, no further requisition for the structural alteration of the premises shall be made within the next five years. If the licensed person makes default in complying with any such order, he shall, on summary conviction, be liable to a fine not exceeding twenty shillings for every day during which the default continues.

(5) Notice of any order under this section shall be forthwith given by the clerk to the owner of the premises in respect of which the order is made.

Removal of Disqualification of Justices interested in Railways.

12. A justice shall not be disqualified to act for any purpose under The Licensing Acts, 1828 to 1886, or this Act, by reason only of his being interested in a railway company which is a retailer of intoxicating liquor.

Disqualifications of Justices' Clerks.

13. No solicitor or other person being a clerk of licensing justices shall, by himself, his partner, or clerk, as solicitor or agent for any person, conduct or act in any application for or in respect of a licence or any other proceedings whatsoever under the Licensing Acts at any licensing or petty sessions held for the district for which he is the clerk, except so far as relates to the preparation of notices or forms, and if any person contravenes this provision he shall be liable on summary conviction to a fine not exceeding one hundred pounds.

Date of Annual Licensing Meeting.

14. (1) The general annual licensing meeting in every licensing district shall be held within the first fourteen days of the month of February in each year, and every adjournment thereof shall be held within one month of the date of the general annual licensing meeting.

(2) The general annual licensing meeting which would, but for this Act, be held between the Twentieth day of August and the Fourteenth day of September, One thousand nine hundred and two, shall not be held.

(3) In every licensing district where the general annual licensing meeting would, but for this Act, be held between the Twentieth day of August and the Fourteenth day of September, inclusive, all licences within the meaning of The Licensing Acts, 1828 to 1886, and all billiard licences granted by the justices of the peace acting in and for any such district which are in force on the Tenth day of October, One thousand nine hundred and two, shall, notwithstanding anything in such licences or in The Licensing Acts, 1828 to 1886, to the contrary, upon production of such licence to the clerk of the licensing justices and upon payment to him of half of the fees which would have been payable if that licence had been renewed at a general annual licensing meeting held in August or September, One thousand nine hundred and two, be and remain in force until the Fifth day of April, Nineteen hundred and three, unless previously forfeited, or unless the person to whom or the premises in respect of which the licence was granted is or become disqualified. Upon payment of the said fees the clerk to the licensing justices shall endorse a note of the payment on the licence.

(4) The Commissioners of Inland Revenue may renew any excise licence granted to any person holding a licence granted by the justices of the peace acting in and for any such licensing district which was in force on the Tenth day of October, One thousand nine hundred and two, upon production of that licence, in the same manner as if that licence had been renewed at a general annual licensing meeting held in August or September, Nineteen hundred and two.

(5) The justices of the peace acting in and for any such licensing district shall, on some day within the month of October, Nineteen hundred and two, hold a special meeting, and shall at that meeting appoint not less than two nor more than four special sessions to be holden in the division during the period between the date of that meeting and the First day of February, Nineteen hundred and three, at periods as near as may be equally distant, and at any such special sessions the justices shall have the same powers and jurisdiction as if the said days had been appointed at a general annual licensing meeting in accordance with the provisions of Section Four of The Alehouse Act, 1828,[1] and The Licensing Acts, 1828 to 1886, shall have effect accordingly, and any licence granted at any such special sessions shall be in force until the Fifth day of April, One thousand nine hundred and three, and no longer.

(6) This section shall not affect the power of the licensing justices under Section Eleven of The Wine and Beerhouse Act, 1870,[2] to postpone to an adjourned meeting (whether held within one month of the date of the annual meeting or not) the consideration of an application for the grant or renewal of a licence, and the said section shall apply to all licences in like manner as it applies to licences under the Wine and Beerhouse Acts.

(7) This section shall come into operation on the passing of this Act.

Restriction on Protection Orders.

15. Notwithstanding any enactment to the contrary, it shall not be lawful for a petty sessional court to authorise the sale of intoxicating liquor on any licensed premises until the holding of the next special sessions for the licensing district in which the premises are situate, unless the person making the application has, one week at least before the holding of the court, served on the superintendent of police for the district the like notice as is required in the case of an application for the transfer of a licence.

Provided that in any case of urgency the aforesaid notice to the police may be dispensed with if, in the opinion of the court, such notice to the police has been given as is reasonable under the circumstances of the particular case.

Provisions as to Transfer.

16. (1) In the case of an application for a licence under Section Four or Section Fourteen of The Alehouse Act, 1828, the person holding the licence and the person who it is proposed shall become the holder of the licence shall attend at the special sessions at which the application is heard, and the agreement or other assurance (if any) under which the licence is to be transferred and held shall be produced to the licensing justices, and, for the purpose of compelling the attendance of any such person, or any witness, the licensing justices shall have all the powers of a court of summary jurisdiction.

[1] 9 Geo. IV. c. 61.

[2] 33 & 34 Vict. c. 29.

Provided that the licensing justices may, for good cause shown, in any particular case dispense with the attendance of either of such persons or both.

(2) For the purpose of preventing repeated applications the licensing justices may at the general annual licensing meeting make regulations determining the time which must elapse after the hearing of one application for a licence under Section Four or Section Fourteen of The Alehouse Act, 1828,[1] before another application under the said sections or either of them may be made in respect of the same premises: Provided that the justices may, in their discretion, for good cause shown, dispense with the observance of these regulations in any particular case.

(3) The provisions of Sub-section Two of Section Forty of The Licensing Act, 1872, as to notices of intention to transfer shall apply to all cases of applications under Section Four or Section Fourteen of The Alehouse Act, 1828.[1]

(4) The provisions of Sub-section Four of Section Four of The Wine and Beerhouse Act, 1870, with respect to the adjournment of an application for a transfer, shall apply to all licences in cases arising under Section Four or Section Fourteen of The Alehouse Act, 1828[1]; and where any such application is adjourned, and there is in force an authority granted under The Licensing Act, 1842,[2] to sell intoxicating liquor on the licensed premises, such authority shall continue in force till the hearing of the adjourned application, and the proper officer of inland revenue may give the like authority by indorsement on the excise licence.

Occasional Licences.

17. (1) An occasional licence shall not be granted except with the consent of a petty sessional court, and unless twenty-four hours at least before applying for that consent the applicant has served on the superintendent of police for the district notice of his intention to apply for the consent, setting out his name and address, the place and occasion in respect of which the licence is required, the period for which the licence is to be in force, and the hours to be specified in the consent of the justices: Provided that where there is no sitting of a petty sessional court within three days before the time when the licence is required, and it is shown to the satisfaction of the justices hereinafter mentioned that it was not practicable to make an application to a petty sessional court, the consent may be given by any two justices acting for the division and sitting together, of which consent notice shall be sent to the superintendent of the police.

(2) In Section Thirteen of The Revenue Act, 1862,[3] Section Twenty of The Revenue Act, 1863,[4] Section Five of The Revenue Act, 1864,[5] and Section Nineteen of The Licensing Act, 1874,[6] the consent required by this section shall be substituted for the consent in those sections mentioned.

(3) Nothing in this section shall affect the provisions of Section Twenty-nine of The Licensing Act, 1872, which empower the local authority to extend the hours of closing on special occasions.

[1] 9 Geo. IV. c. 61.
[2] 5 & 6 Vict. c. 44.
[3] 25 & 26 Vict. c. 22.
[4] 26 & 27 Vict. c. 33.
[5] 27 & 28 Vict. c. 18.
[6] 37 & 38 Vict. c. 49.

Additional Notice of Application for New Licence.

18. In addition to the notices required by The Licensing Acts, 1828 to 1886, to be given by a person intending to apply for a new licence, that person shall, twenty-one days at least before the date of the general annual licensing meeting, serve on the clerk of the licensing justices notice of his intention setting forth his name and address and a description of the licence or licences for which he intends to apply, and of the situation of the premises in respect of which the application is to be made.

Confirmation of Licences.

19. (1) An application for the confirmation of the grant of a licence shall not be heard until twenty-one days at least have expired since the date of the grant of the licence.

(2) A justices' licence to sell any intoxicating liquor for consumption only off the premises shall require confirmation in like manner as other licences.

Costs of Justice whose Decision is Appealed against to be Paid out of the County or Borough Funds.

20. In every case of appeal against the decision of any licensing justice the court to which such appeal is made shall adjudge and order that the treasurer of the county or place in and for which such justice whose decision is appealed against shall have acted on the occasion when he gave such decision shall pay to such justice such sum as in the opinion of the court shall be sufficient to indemnify such justice from all costs and charges whatsoever to which such justice may have been so put, and which cannot be recovered from any other person, and the said treasurer is hereby authorised to pay the same, which shall be allowed to him in his accounts. The order of the appellate court may be made either at the sessions when the appeal is heard or at the next ensuing sessions, and the costs may be taxed either in or out of sessions.

Sessions not to be Held in Licensed Premises.

21. From and after the Thirty-first day of March, One thousand nine hundred and seven, no meeting of justices in petty or special sessions shall be held in premises licensed for the sale of intoxicating liquors, or in any room, whether licensed or not, in any building licensed for the sale of intoxicating liquors; nor shall any coroner's inquest be held on such licensed premises where other suitable premises have been provided for such inquest.

Restaurant Keepers' Licences.

22. (1) Notwithstanding anything contained in the Beerhouse Acts, no person, being a keeper of a restaurant or eating-house, shall be disqualified for receiving a licence under those Acts by reason only of the premises in respect of which he applies to be licensed not being a dwelling-house, or of his not being the real resident holder and occupier thereof.

(2) In this section the expression "the Beerhouse Acts" means The Beerhouse Act, 1834,[1] The Beerhouse Act, 1840,[2] and any enactment amending those Acts.

[1] 4 & 5 Will. IV. c. 85. [2] 3 & 4 Vict. c. 61.

Naval and Military Canteens.

23. Notwithstanding any enactment to the contrary, it shall not be necessary for a person holding a canteen under the authority of a Secretary of State or of the Admiralty to obtain a justices' licence or certificate to enable him to obtain or hold any excise licence for the sale of any intoxicating liquor, and an excise licence may be granted to any such person accordingly.

PART III.

REGISTRATION OF CLUBS.

Registration of Clubs.

24.—(1) The secretary of every club which occupies a house or part of a house or other premises which are habitually used for the purposes of a club, and in which any intoxicating liquor is supplied to members or their guests, shall cause the club to be registered in manner provided by this Act.

(2) The registration of a club under this Act shall not constitute the club premises licensed premises, or authorise any sale of intoxicating liquor therein which would otherwise be illegal.

Mode of Registration.

25. (1) The clerk to the justices of every petty sessional division shall keep a register of all such clubs within the division.

(2) The register shall be in a form prescribed by the Secretary of State and shall contain—

(*a*) The name and objects of the club;

(*b*) The address of the club;

(*c*) The name of the secretary;

(*d*) The number of members;

(*e*) The rules of the club relating to—

(i) The election of members and the admission of temporary and honorary members and of guests;

(ii) The terms of subscription and entrance fee, if any;

(iii) The cessation of membership;

(iv) The hours of opening and closing; and

(v) The mode of altering the rules.

(3) The secretary of every such club shall, in the month of January, Nineteen hundred and three, and in the month of January in each succeeding year, furnish to the clerk to the justices a return, signed by the secretary, giving the above-mentioned particulars, together with a signed statement

that there is kept upon the club premises a register of the names and addresses of the club members, and a record of the latest payment of their subscriptions.

(4) Where after the commencement of this Act a new club requiring registration is about to be opened the secretary shall, before the opening of the club, furnish a return, signed by him, to the clerk to the justices giving the above-mentioned particulars.

(5) The clerk to the justices shall keep the register of clubs corrected up to date in accordance with the returns furnished by the secretaries, and the register shall, at all reasonable hours, be open to the inspection of an inspector or superintendent of police, or an officer of the inland revenue, without fee, and of any person on payment of a fee not exceeding one shilling.

(6) A fee of five shillings shall be payable to the clerk to the justices on each return made by the secretary of a club.

(7) In the application of this section to Oxford, the Registrar of the Court of the Chancellor of the University shall be substituted for the clerk to the justices in the case of any club mainly composed of members, past or present, of the University.

Penalty for Supplying or Keeping Liquor in Unregistered Club.

26. (1) If any intoxicating liquor is supplied or sold to any member or guest on the premises of an unregistered club, the person supplying or selling such liquor, and every person authorising the supply or sale of such liquor, shall be liable on summary conviction to imprisonment, with or without hard labour, for a term not exceeding one month, or to a fine not exceeding fifty pounds, or to both.

(2) If any intoxicating liqour is kept for supply or sale on the premises of an unregistered club every officer and member of the club shall be liable on summary conviction to a fine not exceeding five pounds, unless he proves to the satisfaction of the court that such liquor was so kept without his knowledge or against his consent.

Supply of Liquor for Consumption off the Premises.

27. Intoxicating liquor shall not be supplied in a club for consumption off the premises except to a member on the premises; and if any person supplies or obtains any intoxicating liquor in contravention of the provisions of this section, he shall be liable on summary conviction to a fine not exceeding ten pounds.

Striking off Register.

28. (1) Where a club has been registered in pursuance of this Act a court of summary jurisdiction on complaint in writing by any person may, if it thinks fit, make an order directing the club to be struck off the register on all or any of the following grounds: namely—

(*a*) That the club has ceased to exist, or that the number of members is less than twenty-five; or

(*b*) That it is not conducted in good faith as a club, or that it is kept or habitually used for any unlawful purpose; or

(*c*) That there is frequent drunkenness on the club premises; or

(*d*) That illegal sales of intoxicating liquor have taken place on the club premises; or

(*e*) That persons who are not members are habitually admitted to the club merely for the purpose of obtaining intoxicating liquor; or

(*f*) That the club occupies premises in respect of which, within twelve months next preceding the formation of the club, a licence has been forfeited or the renewal of a licence has been refused or in respect of which an order has been made that they shall not be used for the purposes of a club; or

(*g*) That persons are habitually admitted as members without an interval of at least forty-eight hours between their nomination and admission; or

(*h*) That the supply of intoxicating liquor to the club is not under the control of the members or the committee appointed by the members.

(2) For the purpose of determining whether a club is conducted in good faith as a club, the court shall have regard to the nature of the premises occupied by the club.

(3) If the court grants a summons on the complaint, the summons shall be served on the secretary and on such other person (if any) as the court may direct.

(4) Where the court makes an order striking a club off the register, the court may, if it thinks fit, by that order further direct that the premises occupied by the club shall not be used for the purposes of any club which requires registration under this Act for a specified period, which may extend to twelve months in case of a first order, or, in case of a second or subsequent order, to five years: provided that any such direction may, for good cause shown, be subsequently cancelled or varied by the court.

(5) In the application of this section to Oxford, the court of summary jurisdiction shall be the Court of the Chancellor of the University sitting and acting under The Oxford University (Justices) Act, 1886,[1] in the case of any club mainly composed of members, past and present, of the University: provided that that court shall not have power to make an order that premises occupied by any such club shall not be used for the purposes of a club.

Search Warrant.

29. (1) If a justice of the peace is satisfied by information on oath that there is reasonable ground for supposing that any registered club is so managed or carried on as to constitute a ground for striking it off the register, or that any intoxicating liquor is sold or supplied, or kept for sale or supply, on the premises of an unregistered club, he may grant a search warrant to any constable named therein.

[1] 49 & 50 Vict. c. 31.

(2) A search warrant granted under this section shall authorise the constable named therein to enter the club, if need be by force, and to inspect the premises of the club, to take the names and addresses of any persons found therein, and to seize any books and papers relating to the business of the club.

Penalty for False Returns &c.

30. (1) If the secretary of any registered club or any club which requires to be registered omits to make any return required by this Act he shall be liable on summary conviction to a fine not exceeding twenty pounds, and in the case of a second or subsequent offence to imprisonment, with or without hard labour, for a term not exceeding one month, or to a fine not exceeding fifty pounds, or to both.

(2) If the secretary of any such club knowingly makes a return which is false in any material particular, he shall be liable on summary conviction to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding fifty pounds, or to both.

Application to London.

31. In the application of this part of this Act to London, the clerk to a metropolitan police court shall be substituted for the clerk to the justices as regards any place within the jurisdiction of a metropolitan police court, and as regards the City of London the clerk of special sessions shall be so substituted.

Definitions.

32. For the purposes of this part—

The expression "secretary" includes any officer of a club or other person performing the duties of a secretary, and in the case of a proprietary club where there is no secretary the proprietor of the club; and

The expression "unregistered club" means a club which requires under this Act to be registered but is not registered, or which has been struck off the register.

PART IV.

SUPPLEMENTAL.

Repeal.

33. The enactments specified in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

Short Title, Construction, Extent, and Commencement.

34. (1) This Act may be cited as "The Licensing Act, 1902," and may be cited and shall be construed as one with The Licensing Acts, 1828 to 1886.

(2) This Act shall not extend to Scotland or Ireland.

(3) This Act, save as otherwise expressly provided, shall come into operation on the First day of January, Nineteen hundred and three.

SCHEDULE.

Enactments Repealed as to England.

Session and Chapter.	Short Title.	Extent of Repeal.
9 Geo. IV. c. 61.	The Alehouse Act, 1828.	In Section One the words from "and such meetings" to "September inclusive." In Section Three, from "and that every adjournment" to the end of the section. In Section Thirteen the words "in the counties of Middlesex and Surrey," the words "and elsewhere from the Tenth day of October," and the word "respectively." In Section Fourteen the words "or the Tenth day of October," and the words "as the case may be."
35 & 36 Vict. c. 94.	The Licensing Act, 1872.	Section Thirty. Paragraphs (1) and (2) of Section Thirty-one. Sections Thirty-three and Thirty-four. In Section Forty-eight the words "but in the latter case there shall be endorsed on such copy all convictions made within the previous five years which are endorsed on the old licence." Sections Fifty-five and Fifty-seven. In Section Fifty-eight the words "every endorsement upon a licence, and," and the words "endorsement and."
37 & 38 Vict. c. 49.	The Licensing Act, 1874.	Section Thirteen. Section Fourteen, from "and may be directed" to the end of the section. Section Twenty-four.
43 Vict. c. 6.	The Beer Dealers Retail Licences Act, 1880.	The whole Act.
44 & 45 Vict. c. 58.	The Army Act.	Section One hundred and seventy-four.
45 & 46 Vict. c. 34.	The Beer Dealers Retail Licences Amendment Act, 1882.	The whole Act.

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(Section 14), 45.

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